

SYNOPSIS OF THE LAWS

PASSED BY THE

TWENTIETH LEGISLATURE

OF THE

STATE OF TEXAS.

[NOTE.—The following compilation is made in obedience to a resolution of the Senate directing the Secretary to make a synopsis of the general laws passed at this session of the Legislature. The form herein adopted, it is thought and hoped, will prove satisfactory to all.

I have omitted from the journals a list of the captions because the same are given complete in the message of his excellency, the Governor.

WM. NEAL RAMEY,
Secretary of the Senate.

CHAPTER I.

S. H. B. No. 4.

Appropriation for mileage and per diem pay of officers, members and employees.

Sec. 1. \$80,000.00 per diem pay of members, etc., of the Twentieth Legislature.

Sec. 2. Manner of auditing claims against this appropriation.

Sec. 3. Emergency clause.

An Act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employees of the Twentieth Legislature.

[NOTE.—The foregoing act originated in the House, and passed the same by

a vote of 98 yeas, no nays; and passed the Senate by a vote of 24 yeas, no nays.]

Approved January 18, 1887.

Took effect from and after its passage.

CHAPTER II.

S. H. B. No. 5.

Appropriation to defray contingent expenses.

Sec. 1. \$30,000 appropriated to defray expenses of Twentieth Legislature.

Sec. 2. Emergency clause.

An act making an appropriation to defray the contingent expenses of the Twentieth Legislature

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 100 yeas, no nays; and passed the Senate by a vote of 29 yeas, no nays.]

Approved January 22, 1887.

Took effect from and after its passage.

CHAPTER III.

S. S. B. No. 74.

Relief of citizens suffering by reason of drouth,

Art. 1. Appropriates \$100,000 for re-

lief of sufferers in the drouth stricken district.

Art. 2. Provides for the appointment, and prescribes the duties of relief committee.

Art. 3. Provides for payment of committees' drafts by warrant of Comptroller—Duties of county treasurer.

Art. 4. Provides for purchase and distribution of corn by commissioners court.

Art. 5. Prescribes duties of said court with respect to distribution of supplies—Limits relief to those not able to buy bread.

Art. 6. Defines a quorum of committee, and prescribes manner of immediate relief.

Art. 7. Relief committee to procure information and make report.

Art. 8. Mileage and per diem pay of members of said committee.

Art. 9. Prescribes oath of members of the committee.

Art. 10. Emergency clause.

An act to be entitled an act to provide for the relief of citizens of Texas suffering by reason of the drouth, to make an appropriation therefor, and to prescribe the manner in which it shall be distributed.

[Note.—The foregoing act originated in the Senate and passed the same by a vote of 21 yeas, 8 nays; and passed the House by a vote of 75 yeas, 14 nays.]

Approved January 31, 1887.

Took effect from and after its passage.

CHAPTER IV.

S. H. B. No. 23.

Brewster county—creation and organization.

Sec. 1. Creates and prescribes boundaries of Brewster county.

Sec. 2. Prescribes how this county shall be organized.

Sec. 3. Provides for the levy of a tax by this county to pay its pro rata share of Presidio county debts.

Sec. 4. Attaches this county to the thirty-fourth judicial, eleventh congressional, twenty-eighth senatorial and eightieth representative districts.

Sec. 5. Emergency clause.

An act to create the county of Brewster and to provide for its organization.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 93 yeas, no nays; and passed

the Senate by a vote of 27 yeas, no nays.]

Approved February 2, 1887.

Took effect from and after its passage.

CHAPTER V.

S. B. No. 21.

Affidavits, oaths and affirmations.

Sec. 1. By what officers oaths, etc., may be administered.

An act to amend an act to amend Article 4, title 2, of the Revised Civil Statutes of the State of Texas, approved March 31, 1885, concerning the administration of affidavits, oaths and affirmations.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That an act to amend an act to amend Article 4, title 2, of the Revised Civil Statutes of Texas, approved March 31, 1885, be so amended as to hereafter read as follows, to wit:

Art. 4. All oaths, affidavits or affirmations necessary or required by law may be administered and a certificate of the fact given by any judge or clerk of a court of record, justice of the peace, or by any notary public within this State.

Approved February 5, 1887.

Takes effect ninety days after adjournment.

CHAPTER VI.

S. B. No. 12.

Special venire.

Sec. 1. Manner of serving list of jurors on defendants.

An act to amend Article 617, chapter 2, Code Criminal Procedure of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 617, of chapter 2, Code of Criminal Procedure, be amended so that the same shall hereafter read as follows:

Art. 617. No defendant in a capital case shall be brought to trial until he has had one day's service of a copy of the names of persons summoned under a special venire facias, except where he waives the right, or is on bail; and when such defendant is on bail he shall not be brought to trial until after one day from the time the list of persons so summoned shall have been returned to the clerk of the court in which said prosecution is pending; but the clerk shall furnish the defendant, or his counsel, a list of the persons so

summoned, upon their application therefor.

Approved February 15, 1887.

Takes effect ninety days after adjournment.

CHAPTER VII.

S. B. No. 36.

Veteran land certificates.

Sec. 1. Repeals chapter XLV, General Laws Seventeenth Legislature, approved March 15, 1881, granting certificates of 1280 acres to veterans, etc.

An act to repeal chapter forty-five of the General Laws of the State of Texas, passed by the Seventeenth Legislature of the State of Texas, and approved March 15, A. D. 1881.

Approved February 15, 1887.

Takes effect ninety days after its passage.

CHAPTER VIII.

S. B. No. 103.

Railroads.

Sec. 1. Railway companies may abandon portions of track.

Sec. 2. Emergency clause.

An act to authorize railway companies to abandon certain portions of their road near the coast, when their termini are at points where towns being county sites, have been destroyed by storms and cyclones.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That any railway company in the State of Texas, having a terminus on the coast, the said terminus being a county site, and the same having been destroyed by storms and cyclones, and when said county site has been removed back from the coast near the line of said railway, it shall be lawful for said railway company to remove and take up its track from its original terminus on the coast to a point opposite, or near, said new county site. Provided, Said railway company make its terminus at, and build its road to, said new county site.

Sec. 2. Emergency clause.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, 1 nay; and passed the House by a vote of 80 yeas, no nays.]

Approved February 16, 1887.

Takes effect ninety days after adjournment.

CHAPTER IX.

H. B. No. 51:

Unlawfully carrying arms.

Sec. 1. Enumerates prohibited weapons, and increases punishment for this offense.

An act to amend Article 318, chapter 4, title 9 of the Penal Code of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 318 of the Penal Code shall be amended as to hereafter read as follows:

Art. 318. If any person in this State shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword cane, spear, or knuckles made of any metal of any hard substance, bowie knife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than two hundred dollars, and shall be confined in the county jail not less than twenty nor more than sixty days.

Approved February 24, 1887.

Takes effect ninety days after adjournment.

CHAPTER X.

H. B. No. 47.

Rape.

Sec. 1. More fully defines rape.

An act to amend Article 528, chapter 7, title 15, of the Penal Code.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That title 15, chapter 7, Article 528, of the Penal Code be amended so as to hereafter read as follows:

Article 528. Rape is the carnal knowledge of a woman without her consent, obtained by force, threats or fraud; or the carnal knowledge of a female under the age of ten years, with or without consent, and with or without the use of force, threats or fraud; or the carnal knowledge of a woman other than the wife of the person having such carnal knowledge, with or without consent, and with or without force, threats or fraud, such woman being so mentally diseased at the time as to have no will to oppose the act of carnal knowledge, the person having carnal knowledge of her knowing her to be so mentally diseased.

Approved February 25, 1887.

Takes effect ninety days after passage.

CHAPTER XI.

H. B. No. 304.

School lands.

Sec. 1. Extends time for payment of principal.

Sec. 2. Saving clause as to interest.

Sec. 3. Emergency clause.

An act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the Legislature herein named.

Whereas, under an act of the Legislature of this State providing for the sale of school lands, approved April 24, 1874, and an act of the Legislature of this State providing for the sale of the asylum lands of the State, approved April 25, 1874, many of said lands were sold on a credit of ten years, the principal bearing ten per cent interest per annum; and,

Whereas, many of the obligations given for said lands are now about to become due, and said purchase money is bringing to the State a higher rate of interest than can be otherwise obtained for the same sum; and,

Whereas, it is to the interest of the State school fund and other funds to which such lands belong, that the time for the payment of said principal purchase money be extended; therefore,

Be it enacted by the Legislature of the State of Texas.

Sec. 1. That all purchasers of said lands under either of the above-recited acts, or their assignees, shall have ten years from the date when their original obligation given for said lands shall have fallen due within which to pay the principal of said obligations, and no forfeiture of said lands shall be declared on account of the non payment of the principal of said obligation until the expiration of ten years from the date of the maturity of the same as originally made.

Sec. 2. Nothing in this act shall be construed to, in any respect, relieve said purchasers from the payment of interest on said lands in the manner or on the terms presented in said original acts, nor to prevent a forfeiture of said lands for a failure to comply with the terms of said original obligations in the payment of interest.

Sec. 3. Emergency clause.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 71 yeas, 21 nays, and passed the Senate by a vote of 23 yeas, 1 nay.]

Approved February 25, 1887.

Took effect from and after its passage.

CHAPTER XII.

H. B. No. 113.

New counties created out of Tom Green county.

Sec. 1. Creates six counties out of Tom Green county and declares boundaries, viz: [a] Ector county, [b] Winkler county, [c] Loving county, [d] Upton county, [e] Crane county, [f] Ward county.

Sec. 2. Declares in whose honor said counties are named.

Sec. 3. Attaches Winkler, Loving and Ward to Reeves county for judicial and other purposes.

Sec. 4. Attaches Ector, Crane and Upton to Midland county for judicial and other purposes.

Sec. 5. Expense of surveying lines of new counties, how paid.

Sec. 6. New counties to pay pro rata share of Tom Green county debts contracted for public buildings.

Sec. 7. Emergency clause.

An act to divide the western portion of Tom Green county into six new counties.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 78 yeas, 1 nay; and passed the Senate by a vote of 24 yeas, no nays.]

Approved February 26, 1887.

Took effect from and after its passage.

CHAPTER XIII.

S. B. No. 7.

Dealing in futures.

Sec. 1. Prescribes the punishment for dealing in futures, etc.

Sec. 2. Punishment for permitting such business conducted on one's premises.

Sec. 3. Repeals act to amend chapter 2, title 2, Penal Code, adding 354a, approved March 31, 1885.

An act to prohibit and punish dealing in futures, and to punish persons for permitting their premises to be used to carry on such business, and to repeal an act entitled "An act to amend chapter 2, title 2, of the Penal Code of the State of Texas, adding thereto Article 354a," approved March 31, 1885.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That if any person shall, directly, or through an agent or agents, manage or superintend for himself, or shall as agent or representative of any other person, firm or cor-

poration, conduct, carry on or transact any business which is commonly known as dealing in futures, in cotton, grain, lard, any kinds of meats or agricultural products, or corporation stocks; or shall keep any house, or manage, conduct, carry on or transact any business commonly known as a produce or stock exchange or bucket shop, where future contracts are bought or sold, with no intention of an actual bona fide delivery of the article or thing so bought or sold; such person, whether acting for himself or for another, as aforesaid, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than one hundred nor more than five hundred dollars, and in addition thereto shall be imprisoned in the county jail not less than thirty days nor more than six months; provided, that each day that such business or house is carried on or kept shall constitute a separate offense.

Sec. 2. Whoever knowingly permits any such business to be carried on in his building, house, booth, arbor, or erection, of which he is the owner, or has the possession, care, management, or renting, shall be guilty of a misdemeanor, and on conviction fined in any sum not less than one hundred nor more than five hundred dollars. Each day he so permits shall constitute a separate offense.

Sec. 3. That an act entitled "An act to amend chapter 2, title 2, of the Penal Code of the State of Texas, adding thereto Article 354a," approved March 31, 1885, be and the same is hereby repealed.

Approved March 1, 1887.

Takes effect ninety days after adjournment.

CHAPTER XIV.

S. B. No. 31.

Stay of execution.

Sec. 1. Prescribes oath and bond to stay.

An act to amend Article 1636 of the Revised Civil Statutes of Texas, adopted by the regular session of the Sixteenth Legislature.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 1636 of the Revised Civil Statutes of Texas be and the same is hereby amended so that it shall hereafter read as follows, to-wit:

Art. 1636. At any time within ten days after the rendition of any judgment in a court of a justice of the

peace, such justice may grant a stay of execution thereon for three months from the date of such judgment, if the person against whom such judgment was rendered shall, with one or more good and sufficient sureties, to be approved by the justice, appear before him and acknowledge themselves and each of them bound to the successful party in such judgment for the full amount thereof, with interest and costs, which acknowledgment shall be entered in writing on the docket, and signed by the persons binding themselves as sureties; provided, no such stay of execution shall be granted unless the party applying therefor shall first file with the justice an affidavit in writing that he has not the money with which to pay such judgment, and that the enforcement of same by execution prior to three months would be a hardship upon him, and would cause a sacrifice of his property which would not likely be caused should said execution be stayed.

Approved March 1, 1887.

Took effect from and after its passage.

CHAPTER XV.

S. B. No. 45.

Hiring county convicts.

Sec. 1. Convicts (misdemeanor) may be hired out or put to work on public roads, etc.

An act to amend an act entitled an act to amend article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts, approved May 4, 1882.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That an act entitled an act to amend article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts, approved May 4, 1882, be so amended as to read hereafter as follows:

Article 3602. Any person who may be convicted of a misdemeanor or petty offense, and who shall be committed to jail in default of the payment of the fine and costs adjudged against him, may be worked upon the public roads or upon the county farms of the county in which such conviction is had, or be hired out to any individual, company or corporation within the county of conviction, to remain in said county, and the proceeds of said hiring, when collected, shall be applied

first, to the payment of the costs, and second, to the payment of the fine; and every convict shall be entitled to a credit of twenty-five cents on his fine and costs for each day he may serve under such hiring, including Sunday; and he shall be discharged at any time upon payment of the balance due on his fine and costs or upon the expiration of his term of service, his term of service in no event to be greater than one day for each twenty-five cents of fine and costs; provided, that in no case shall the counties be responsible to the officers for their costs, and in no case shall such convicts be hired out for a longer period than two years for failure to pay a fine and costs, and on the expiration of said time, unless by his hire such fine and costs have been sooner paid off, said convicts shall be finally discharged.

Sec. 3. Emergency clause.

Approved March 1, 1887.

Took effect from and after its passage.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, no nays; and passed the House by a vote of 75 yeas, 3 nays.]

Approved March 4, 1887.

Took effect from and after its passage.

CHAPTER XVII.

H. B. No. 88.

Edwards county.

Sec. 1. Declares the western boundary of Edwards county.

Sec. 2. Surveyors of Edwards and Val Verde to survey the same.

Sec. 3. Commissioner of the General Land Office to notify the surveyors, etc.

Sec. 4. Compensation for surveyors.

Sec. 5. Repealing clause.

An act to establish the western boundary of Edwards county.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the western boundary of Edwards county is hereby established as follows: Commencing at the southwest corner of Edwards county; running thence west to a point intersecting the east line with Val Verde county; thence north on a line with Val Verde county to a point directly west of the north line of Edwards county; thence east to the intersection of the northwest corner of Edwards and Crockett counties, embracing all that strip of Crockett county left be-

tween the county of Edwards and the county of Val Verde, which hereafter shall be included in and comprise the county of Edwards.

Sec. 2. That it shall be the duty of the county surveyors of the counties of Edwards and Val Verde jointly in their official capacity to establish the western boundary of Edwards as designated, and to plot and map out and so permanently establish such boundaries as will be satisfactory to the Commissioner of the General Land Office, under whose authority this work shall be performed, and who, upon completion, shall notify the judge of the county court of Edwards county.

Sec. 3. That it shall be the duty of the Commissioner of the General Land Office, within thirty days after the passage of this act, and when it shall have become a law, to notify the surveyors of the counties designated to proceed with the work of surveying, locating and permanently establishing the boundary herein described, by permanent corners, and mapping the same, and filing a copy of the maps and other evidences in the General Land Office.

Sec. 4. That the compensation of the surveyors engaged in this work shall be three dollars per mile each, which expense shall be paid by Edwards county.

Sec. 5. That all laws and parts of laws conflicting with the provisions herein contained shall be and the same are hereby repealed.

Approved March 4, 1887.

Takes effect ninety days after adjournment.

CHAPTER XVIII.

S. B. No. 51.

Intimidation.

Sec. 1. Punishment for preventing another from engaging in a lawful employment.

An act to make it penal to prevent or attempt to prevent any person from engaging or remaining in or performing the duties of any lawful employment, and to fix a penalty therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That any person who shall, by threatening words, or by acts of violence or intimidation, prevent or attempt to prevent another from engaging or remaining in, or from performing the duties of any lawful employment, shall be guilty of a mis-

demeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by confinement not less than one nor more than six months in the county jail.

Approved March 8, 1887.

Takes effect ninety days after adjournment.

CHAPTER XIX.

S. B. No. 15.

Abusive language.

Sec. 1. Prescribes punishment for cursing or abusing another or a female relative.

An act to make it penal to use language or be guilty of conduct reasonably calculated to provoke a breach of the peace, and to prescribe the punishment therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That if any person shall, in the presence or hearing of another, curse or abuse such person, or use any violently abusive language to such person concerning him or any of his female relatives, under circumstances reasonably calculated to provoke a breach of the peace, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five nor more than one hundred dollars.

Approved March 8, 1887.

Takes effect ninety days after adjournment.

CHAPTER XX.

S. B. No. 16.

Homicide.

Sec. 1. Body of deceased or portions thereof must be identified as the person charged to have been killed.

An act to amend Article 549, chapter 10, title 15, of the Penal Code of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 549, chapter 10, title 15, of the Penal Code of the State of Texas, be amended so as to hereafter read as follows:

Article 549. No person shall be convicted of any grade of homicide unless the body of the deceased, or portions of it, are found and sufficiently identified to establish the fact of the death of the person charged to have been killed.

Approved March 8, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXI.

S. B. No. 14.

Conversion of property.

Sec. 1. Constitutes conversion of property by bailee theft.

An act to define and punish the conversion of personal property by hirers, borrowers and other bailees.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any person having possession of personal property of another by virtue of a contract of hiring or borrowing, or other bailment, who shall, without the consent of the owner, fraudulently convert such property to his own use with intent to deprive the owner of the value of the same, shall be guilty of theft, and shall be punished as prescribed in the Penal Code for theft of like property.

Approved March 8, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXII.

S. B. No. 73.

Malicious mischief.

Sec. 1. Obstructing railway track, displacing switch, etc.

An act to amend Article 678, chapter 3, title 17, of the Penal Code of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 678, chapter 3, title 17, of the Penal Code of the State of Texas, be so amended as to hereafter read as follows:

Article 678. If any person shall willfully place any obstruction upon the track of any railroad, or remove any rail therefrom, or displace or interfere with any switch thereof, or in any way injure such road, or shall do any damage to any railroad, locomotive, tender or car, whereby the life of any person might be endangered, he shall be punished by imprisonment in the penitentiary not less than two nor more than seven years. If the life of any person be lost by such unlawful act the offender is guilty of murder.

Approved March 8, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXIII.

H. B. No. 383.

Relief of citizens of Sabine Pass City.

Sec. 1. Certain inhabitants of Jefferson county released from taxes.

Sec. 2. Comptroller and commissioners court to credit tax collector by amounts released.

Sec. 3. Emergency clause.

An act to release certain inhabitants of Sabine Pass City, county of Jefferson, from the payment of taxes assessed and now due for the year A. D. 1886, in consequence of a great public calamity.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the following named inhabitants of said portion of said county, to-wit: of the town of Sabine Pass City, the same being great sufferers from the cyclone and flood, be and they are hereby released from the payment of the several sums named, the same being the amount of State and county taxes assessed against them and now due for the year A. D. 1886, to-wit:

Estate of William Allen.....	\$1 40
W. P. Allen.....	5 33
J. H. Asmeyer.....	14 85
Peter Anderson.....	2 55
Estate of William Allison.....	25 97
Estate of Perry Bauyer.....	84
Charles Bauyer.....	2 53
Masie Brouard.....	195 10
Mrs. C. Burch.....	1 75
W. C. Baird.....	20 89
Sam Blackman.....	1 40
S. Blanchett.....	12 94
S. J. Burch.....	2 20
J. M. Chastin.....	3 39
Milton Clark.....	1 05
Richard Corry.....	3 65
Charles Crassman.....	14 00
Joe Caniff.....	4 65
John Caniff.....	3 82
Thomas Caniff.....	5 35
Hal Grifon.....	3 32
Charles Gentz.....	7 73
Milton Garner.....	4 51
J. H. Garner.....	19 73
Brad Garner.....	7 00
Ben Granger.....	5 00
Mrs. L. Grifon.....	4 90
J. J. T. Gilliland.....	30 65
William Hadnot.....	3 93
E. V. Hemenway.....	7 31
William Harris & Son.....	22 60
F. A. Hyatt.....	27 09
G. W. Hawley.....	11 28
John Johnson.....	9 48
Bradley Johnson.....	32 42
Ike Johnson.....	6 95
Uriah Johnson.....	16 60

Joe Johnson (col).....	\$2 02
Press Johnson.....	2 83
B. J. Johnson.....	11 07
Joe Johnson.....	9 16
Henry Johnegan.....	2 46
George Jolly.....	8 99
W. A. Junker.....	49 50
Albert Jones.....	2 55
Mrs. M. Johnson.....	1 78
T. R. Jackson.....	20 93
Karl Kapas.....	3 50
J. M. Ketcham.....	6 44
William O. Kendall.....	12 21
Mrs. Sarah King.....	11 79
W. H. King.....	4 90
Omar Lamar.....	5 38
William Lapham.....	3 60
B. F. McDonough.....	70
D. E. McCall.....	6 05
John McCall.....	8 08
W. F. McClanahan.....	21 24
Joe Masty, sr.....	8 24
Mrs. A. D. Murray.....	4 90
Gus Higby.....	5 19
H. C. Maass.....	1 85
Mrs. A. E. McCall.....	27 13
Estate of William Maass.....	49 82
J. H. McCall.....	6 71
F. C. McReynolds.....	39 16
R. A. McReynolds.....	5 70
McReynolds & Arledge.....	12 25
Neal McGaffy.....	39 01
John Orr.....	8 50
Mrs. G. W. Pain.....	5 46
W. H. Plummer.....	4 30
G. W. Pain.....	4 30
Mrs. Mary Porter.....	8 40
Mrs. E. Pomeroy.....	1 40
S. N. Page.....	4 80
A. N. Perkins.....	10 57
Charles Maass.....	2 16
R. B. Pace.....	2 15
W. E. Rogers.....	7 14
John Stewart.....	3 78
Aaron Scherffius.....	8 50
N. H. Smith.....	3 50
T. J. Sturdevant.....	3 60
Mrs. E. P. Sweet.....	7 10
Josh Smith.....	6 48
Mrs. S. Vondy.....	2 32
W. P. Townsend.....	3 32
R. L. Woods.....	4 48
Louis Williams.....	2 87
Henri Walkaster.....	3 08
E. E. Weaver.....	6 69
Mary Whiting.....	3 46

And that the several sums of taxes against the persons respectively be and the same are hereby remitted.

Sec. 3. Emergency clause.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 81 yeas, 1 nay; and passed

the Senate by a vote of 27 yeas, no nays.]

Approved March 8, 1887.

Took effect from and after its passage.

CHAPTER XXIV.

S. B. No. 40.

Statement of Facts.

Sec. 1. How filed after time prescribed in articles 1377, 1378 and 1379, of Revised Statutes.

An act to amend Chapter 18 of the Revised Civil Statutes of the State of Texas, providing for statement of facts in certain events, by adding thereto Article 1379a.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That, Chapter 18 of the Revised Civil Statutes of the State of Texas be and the same is hereby amended by adding thereto an article to be known as Article 1379a, to read as follows:

Article 1379a. Whenever a statement of facts shall have been filed after the times respectively prescribed in the preceding Articles, 1377, 1378, and 1379 of this chapter, and the party tendering or filing the same shall show to the satisfaction of the Supreme Court or Court of Appeals that he has used due diligence to obtain the approval and signature of the judge thereto, and to file the same within the time in this chapter prescribed for filing the same, and that his failure to file the same within said time is not due to the fault or laches of said party or his attorney, and that such failure was the result of causes beyond his control, the Supreme Court or Court of Appeals shall permit said statement of facts to remain as part of the record, and consider the same in the hearing and adjudication of said cause the same as if said statement of facts had been filed in time.

Approved March 8, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXV.

H. B. No. 16.

Railroads—Laborers' Lien.

Sec. 1. Provides for prior liens to secure wages of laborers, etc., on railroads.

An act to amend section 1, of an act entitled an act to protect mechanics, laborers and operatives on railroads, against the failure of owners, contrac-

tors and subcontractors or agents to pay their wages when due, and provide a lien for such wages, approved, February 18, 1879.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That, section 1 of an act entitled an act to protect mechanics, laborers and operatives on railroads, against the failure of owners, contractors and sub-contractors or agents to pay their wages when due, and provide a lien for such wages, approved February 18, 1879, be so amended to read hereafter as follows:

Sec. 1 That all mechanics, laborers and operatives, who may have performed labor, or worked with tools, teams, or otherwise, in the construction, operation, or repair of any railroad, locomotive, car, or other equipment of a railroad, and to whom wages are due or owing for such work, or for the work of tools or teams thus employed, or for work otherwise performed, shall hereafter have a lien prior to all others upon such railroad and its equipments for the amount due him for personal services, or for the use of tools or teams.

Approved March 10, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXVI.

S. H. B. No. 32.

Estates of Decedents.

Sec. 1. Estates of decedents chargeable on joint as upon joint and several obligations.

An act to provide for the charging of the estate of a deceased person by virtue of the joint obligation of such deceased person with another.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That when two or more persons are jointly bound for the payment of a debt or for any other purpose, upon the death of either of said persons so bound his estate may be charged by virtue of such obligation in the same manner as if the obligors had been bound severally as well as jointly.

Approved March 10, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXVII.

S. H. B. No. 24.

Tax sales.

Sec. 1. Extends time for twelve months in which owners may redeem lands bought by State for taxes.

An act to extend the time within which lands that have been sold for taxes and bought in by the State may be redeemed.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That all lands which have been sold for taxes and bought in by the State, the time for redeeming which has expired, and which have not been redeemed, and which have not since been alienated by the State, may be redeemed by the owner thereof or their agents, if within twelve months from the date on which this act takes effect said owners or their agents shall pay to the State the original State and county taxes for which said lands were sold, and the taxes due for each year since said sale, with eight per cent interest thereon per annum from the date of such sale, or from the date of the accrual of such subsequent taxes, as the case may be, and all taxes and costs which have accrued thereon, under such rules and regulations as shall be prescribed by the Comptroller of the State.

Sec. 2. Emergency clause.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 87 yeas, no nays; and passed the Senate by a vote of 26 yeas, 1 nay.]

Approved March 10, 1887.

Took effect from and after its passage.

CHAPTER XXVIII.

S. H. B. No. 295.

Appropriations—deficiency.

Sec. 1. \$266,459.90 appropriated, to be applied to enumerated claims.

Sec. 2. Emergency clause.

An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, A. D. 1885, to February 28, A. D. 1887, being for payments of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated for deficiencies incurred in support of the State government for the period beginning March 1, A. D. 1885, and ending February 28, 1887, and for previous years.

Sec. 2. Emergency clause.

[Note.—The foregoing act originated in the House and passed the same by a vote of 80 yeas, no nays; and passed the Senate by a vote of 25 yeas, 2 nays.]

Approved March 10, 1887.

Takes effect from and after its passage.

CHAPTER XXIX.

S. B. No. 66.

Special venire in capital cases.

Sec. 1. Defines a special venire.

An act to amend Article 605, chapter 2, title 8, of the Code of Criminal Procedure, for the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 605, chapter 2, title 8, of the Code of Criminal Procedure for the State of Texas, be so amended as to hereafter read as follows:

Article 605. A "special venire" is a writ issued by order of the district court, in a capital case, commanding the sheriff to summon such a number of persons, not less than thirty six, as the court in its discretion may order, to appear before the court on a day named in the writ, from whom the jury for the trial of such case is to be selected.

Approved March 14, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXX.

S. S. B. No. 50.

Railroad employes.

Sec. 1. Railway employes entitled to thirty days notice of reduction in wages.

Sec. 2. Form and manner of such notice.

Sec. 3. Affixes a penalty for violating this act.

An act to require railway companies to give their employes thirty days notice before reducing their wages, and to provide a remedy for the violation thereof.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That all persons in the employment of any railway company shall be entitled to receive thirty days notice from said company before their wages can be reduced by such company, and in all cases of reduction the employe shall be entitled to receive from such company wages at his contract price for the full term of thirty days after such notice is given, to be recovered in any court of competent jurisdiction.

Sec. 2. The notice referred to in this act is declared to mean thirty full days immediately prior to the day upon which such reduction is to take effect, and may be given by posting written or printed handbills, specifying the parties whose are to be reduced and the amount of such reduction, in at least three conspicuous places in or about each shop, section house, station, depot, train, or other places where said employees are at work. Provided, such employee shall within fifteen days from the date of such notice inform such railway company by posting like notices as given by such railway company, whether he will or will not accept such reduction, and if no such information is given such company by such employee, then such employee shall forfeit his right to such notice, and such reduction shall take effect from the date of such notice instead of at the expiration of thirty days.

Sec. 3. Any railway company violating or evading any of the provisions of this act shall pay to each employee affected thereby one month's extra wages, to be recovered by such employee in any court of competent jurisdiction.

Approved March 14, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXXI.

H. B. No. 125.

Elections.

Sec. 1. Prescribes duties of presiding officer, judges, etc., in election precincts having more than 100 voters.

Sec. 2. Provides for two ballot boxes—Manner of conducting election and counting votes—Election returns.

Sec. 3. Compensation for election officers.

Sec. 4. Repealing section.

An act to provide for a more speedy counting of the vote at special and general elections, and to pay the judges and clerks for the same.

Be it enacted by the Legislature of the State:

Sec. 1. That the presiding officer of each election precinct which shall have cast more than one hundred votes at the last preceding election shall, on or before the day of election, select from among the qualified voters of the precinct three judges and four clerks, to be made from the different political parties, if demanded, as far as practicable, and there be present a sufficient number of the party making such de-

mand who are willing and competent to serve in such position. That said presiding judge, before balloting begins, shall designate two of said judges to be counting judges, and such presiding judge and said remaining judge shall be the receiving judges of election, and said presiding judge shall designate two of said clerks to be receiving clerks and two of said clerks to be canvassing clerks of said election. The said receiving clerks shall keep the poll lists and the said canvassing clerks shall keep the tally lists now provided for by law.

Sec. 2. That there shall be provided by the presiding judge two ballot boxes, one of which shall be numbered No. 1 and the other No. 2. Before the balloting begins said judge shall open and examine said boxes, and remove everything therefrom. One of said receiving judges shall receive the ballots of each voter, and after pronouncing the name of such voter in an audible voice shall pass the ballot to the other receiving judge, who shall number the same and deposit it in said ballot box No. 1, which shall be kept securely closed while the balloting continues for one hour from the time of opening the polls. At the expiration of said hour the receiving judges shall deliver said ballot box No. 1 to the counting judges, who shall immediately deliver over to said receiving judges ballot box No. 2, which ballot box No. 2 shall be opened and examined in the presence of all the judges, and when everything is removed therefrom, shall be securely closed, and until the ballots in box No. 1 have been counted said receiving judges shall receive and deposit ballots therein in the same manner as during the first hour ballots were received and deposited in ballot box No. 1. After the delivery of ballot box No. 1 to the counting judges the same shall be immediately opened by them, and the tickets shall be taken out one at a time by one of the counting judges, who shall read distinctly while the ticket remains in his hand the name or names written or printed thereon, also the office that is intended to be filled by such person voted for, and deliver the same to the other counting judge, who shall place the same in another box and keep securely until the counting is finished, and then said box with all the ballots cast at said election shall be returned to the county clerk as provided for by law. The same method shall be observed

with each ticket, and the counting shall continue thus until all the ballots in the box are counted. And then the counting judges shall securely close ballot box No. 1, and deliver the same to the receiving judges, and receive from the receiving judges ballot box No. 2, and so on in the same manner until the polls are closed and all the ballots are counted. No person or persons shall be admitted in the room or place where such ballots are being counted except the judges and clerks of election; provided, that any political party may select a representative man, who may be admitted as a witness of such counting. It shall be the duty of one of the judges to announce to the voters present the total number of votes polled at each change of the boxes; but the judges, clerks and witnesses shall make oath that they will make no statement nor give any information of any kind as to the number of votes polled for any office or person, nor the name of any person voted for, nor any other fact touching in any way to show the state of the polls at any time previous to the closing of the polls of said election on the day of the same. When any person offering to vote shall be objected to, the manager of the election, with the two first named judges on the list of judges, shall examine the person offering to vote upon oath touching the points of such objection, and if such person fail to establish his qualification to vote to the satisfaction of a majority of the managers of the election, his vote shall be rejected; if his vote be received the word sworn shall be written by the clerks upon the list opposite the name of such voter.

Sec. 3. The presiding officer, judges and clerks shall be entitled to receive as compensation for their services the sum of two dollars per day, the same to be paid by the county treasurer of the county where such services are rendered, upon the order of the commissioners' court of such county; provided, twelve working hours shall be considered a day within the meaning of this section. One of the judges shall deliver the returns to the county clerks immediately, and receive two dollars for delivery of the returns, if delivered within two days; provided, said judge shall not receive the two dollars for delivering the returns if he shall have to travel less than five miles in so doing.

Sec. 4. That all laws and parts of laws in conflict with the provisions of

this act be and they are hereby repealed.

Approved March 14, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXXII.

H. B. No. 115.

County court of Bosque county.

Sec. 1. Restores the civil jurisdiction to county court of Bosque county.

Sec. 2. Provides for transfers of certain cases now pending in the district court to county court.

Sec. 3. Provides for transfer of all papers with transcript of orders, and for fees of the clerk.

Sec. 4. Repealing clause.

An act to restore the civil jurisdiction to the county court of Bosque county, and to repeal all laws in conflict therewith.

Approved March 15, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXXIII.

S. H. B. No. 375.

Second and Fourth Judicial Districts.

Sec. 1. Amends sections 2 and 4, act April 9, 1883, as amended by act March 31, 1885, concerning the second and fourth judicial districts.—When term of district court shall commence in said districts.

Sec. 2. Return of process heretofore issued in counties affected by this act.

Sec. 3. Repealing section.

Sec. 4. Emergency clause.

An act to amend section 2 of an act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved on the ninth day of April 1883; and also to amend section 4 of an act to amend section 4 of an act entitled an act to redistrict the State into judicial districts and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section 2 of an act to

redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved on the ninth of April, 1883; and also that section 4 of an act to amend section 4 of an act entitled an act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, be so amended as to hereafter read as follows:

Sec. 2. That the second judicial district shall be composed of the counties of Sabine, San Augustine, Nacogdoches, Shelby and Cherokee, and the district courts shall be held therein as follows: In the county of Sabine on the first Mondays in February and September, and may continue in session two weeks. In the county of San Augustine on the second Mondays after the first Mondays in February and September, and may continue in session three weeks. In the county of Nacogdoches on the fifth Mondays after the first Mondays in February and September, and may continue in session four weeks. In the county of Shelby on the ninth Mondays after the first Mondays in February and September, and may continue in session three weeks. In the county of Cherokee on the twelfth Mondays after the first Mondays in February and September, and may continue in session till the business is disposed of.

Sec. 4. The fourth judicial district shall be composed of the counties of Rusk, Harrison and Panola, and the district courts shall be held therein as follows: In the county of Rusk on the first Mondays in January and July, and may continue in session six weeks. In the county of Harrison on the sixth Mondays after the first Mondays in January and July, and may continue in session eight weeks. In the county of Panola on the fourteenth Mondays after the first Mondays in January and July, and may continue in session till the business is disposed of.

Sec. 2. That all writs and process returnable to the district courts heretofore fixed in the counties affected by this act, and all such writs and pro-

cess that may hereafter be issued before this act shall take effect and made returnable to the terms of said district courts as now fixed by law, shall be as valid and binding as if no change had been made.

Sec. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 4. Emergency clause.

Approved March 15, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXXIV.

H. B. No. 74.

Protection of fish.

Sec. 1. Taking fish by poison or explosives.

An act to amend Article 425 of the Penal Code of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 425 of the Penal Code of the State of Texas be so amended as to hereafter read as follows:

Article 425. Whoever shall catch or take, or attempt to catch or take, any fish in this State by the use of lime, China berries, India berries, or other poisonous substances placed in the water, or by the exploding of dynamite, giant powder, nitro glycerine or other compounds of an explosive nature in the form of a cartridge or other forms, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty nor more than one hundred and fifty dollars. And any court, officer or tribunal having jurisdiction of the offense set forth in this article, or any district or county attorney, may subpoena persons and compel their attendance as witnesses to testify as to violations of any of the provisions of this article; and any person so summoned and examined shall not be liable to prosecution for any of the violations of this article about which he may testify, and a conviction for said offense may be had upon the unsupported evidence of an accomplice or participant.

Approved March 15, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXXV.

H. B. No. 34.

District attorney in the Eighteenth judicial district.

Sec. 1. Provide for election of in Eighteenth judicial district.

An act to provide for the election of a district attorney in the Eighteenth judicial district in this State at the next general election.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That a district attorney be elected in the Eighteenth judicial district in this State at the next general election, and at each general election thereafter, who shall receive for his services such compensation as is provided by law for other district attorneys.

Approved March 15, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXXVI.

H. B. No. 82.

Chaplains of penitentiaries.

Sec. 1. Prescribes salary of chaplains.

An act to amend Article 4480 of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 4480 of the Revised Civil Statutes be so amended as hereafter to read as follows:

Art. 4480. The chaplains of the penitentiaries shall each receive an annual salary of six hundred dollars and no more.

Approved March 15, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXXVII.

H. S. S. B. No. 85.

Creating Mills county.

Sec. 1. Declares the boundaries of Mills county.

Sec. 2. Expenses of organization thereof.

Sec. 3. For division of this county into precincts, etc.

Sec. 4. Elections, how ordered, etc.

Sec. 5. Election, how conducted—returns, etc.

Sec. 6. This county attached to twenty-seventh judicial, twenty-third senatorial, seventy-seventh representative and eleventh congressional districts.

An act to establish and organize the county of Mills.

Approved March 15, 1887.

Takes effect ninety days after adjournment.

CHAPTER XXXVIII.

H. B. No. 228.

New counties created out of Presidio county.

Sec. 1. Counties of Buchel, Foley and Jeff Davis created out of Presidio county—Prescribes boundaries of [a] Buchel, [b] Foley and [c] Jeff Davis.

Sec. 2. Each of these counties to pay their *pro rata* share of legal debts of parent county.

Sec. 3. Counties of Buchel, Foley and Jeff Davis attached to Brewster county for judicial purposes, to the twenty-eighth senatorial, eightieth representative and fifteenth congressional districts.

Sec. 4. Emergency clause.

An act to create the counties of Buchel, Foley and Jeff Davis out of the county of Presidio.

[NOTE.—The foregoing act originated in the House and passed the same by a vote of 78 yeas, 10 nays; and passed the Senate by a vote of 25 yeas, 1 nay.]

Approved March 15, 1887.

Took effect from and after its passage.

CHAPTER XXXIX.

S. B. No. 155.

Depositions of witnesses.

Sec. 1. Depositions, service of notice of intention to take.

An act to amend Article 2219, of chapter 2, title 38, of the Revised Civil Statutes of the State of Texas, on the subject of taking depositions of witnesses in civil cases.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 2219, of chapter 2, title 38, of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Art. 2219. The party wishing to take the deposition of a witness in a suit pending in court, shall file with the clerk or justice of the peace, as the case may be, a notice of his intention to apply for a commission to take the answers of the witness to interrogatories attached to such notice. The notice shall state the name and residence of the witness, or the place where he is to be found, and the suit in which the deposition is to be used, and a copy thereof and of the attached interrogatories shall be served upon the adverse party, or his attorney of record, five days before the issuance of a commission; and whenever the adverse party

is a corporation or joint stock association, service may be made upon the president, secretary or treasurer of such corporation or association, or upon the local agent representing such corporation or association in the county in which the suit is pending, or by leaving a copy of the notice and attached interrogatories at the principal office of such corporation or association during office hours.

Approved March 15, 1887.

Takes effect ninety days after adjournment.

CHAPTER XL.

H. B. 451.

Aransas county.

Sec. 1. Defining county boundary.

Sec. 2. Emergency clause.

An act to amend Article 711 of the Revised Statutes, defining the boundaries of Aransas county.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 711 of the Revised Statutes be so amended as to hereafter read as follows:

Article 711. Beginning at the boundary of the State on the Gulf of Mexico opposite the center of the channel of Aransas Pass, between the islands of St. Joseph and Mustang; thence in a direct line to the John Robinson survey at the head of Red Fish bay; thence with the meanders of Corpus Christi and Nueces bays to the southeast corner of the John N. Seguin survey No. 4, which fronts on Nueces bay; thence with the east line of said survey No. 4 to the southeast corner of survey No. 5 in the name of John N. Seguin; and thence in the same direction with the east line of said survey No. 5 to the northeast corner thereof; thence in a direct line to the southeast corner of the Larkin Martin survey; thence with the meanders of Puerto and Copano bays to the center of Aransas river; thence down the center of said stream to Copano bay; thence with the channel of said bay parallel with the shore to the east end of the same at the mouth of Copano creek; thence up said creek to the mouth of Alamito creek; thence in a direct line to the southeast corner of J. C. Salberg's survey on Espiritu Santo bay; thence in a direct line to Cedar bayou; thence through said bayou to the boundary of the State on the Gulf of Mexico; thence with said boundary of the State to the place of beginning.

Sec. 2. Emergency clause.

Sec. 3. All laws and parts of laws in conflict with this act are hereby repealed.

[Note.—The foregoing act originated in the House and passed the same by a vote of 78 yeas, no nays; and passed the Senate by a vote of 26 yeas, no nays.]

Approved March 17, 1887.

Took effect from and after its passage.

CHAPTER XLI.

S. B. No. 4.

Limitations.

Sec. 1. Limitations not to run against State, nor favor adverse holder of street, road, etc.

An act to amend Article 3200 of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 3200 of the above recited act shall hereafter read as follows:

Art. 3200. The right of the State shall not be barred by any of the provisions of this chapter, nor shall any person ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, sidewalk or grounds which belong to any town, city or county, or which have been donated or dedicated for public use to any such town, city or county by the owner thereof, or which have been laid out or dedicated in any manner to public use in any town, city or county in this State; provided, this act shall not apply to any alley laid out across any block or square in any city or town.

Approved March 17, 1887.

Takes effect ninety days after adjournment.

CHAPTER XLII.

S. B. No. 129.

Payment of Bonds.

Sec. 1. County commissioners court or mayor and board of aldermen of any city or town authorized to regulate the rate of taxation.

Sec. 2. Levy of tax—Duty of officer making assessment—Fees of collector.

Sec. 3. Emergency clause.

An act to authorize counties, cities, and towns in this State which have issued bonds to aid in the construction of railroads and other internal improvements, to adjust their rate of taxation so as to provide for the pay-

ment of the interest and sinking fund upon the same.

Whereas, in some of the counties, cities, and towns of this State there is an existing bonded indebtedness against the same necessitating the collection of taxes to pay interest and sinking fund both due and to become due and necessitating the collection from the people there of taxes that are past due; and

Whereas, in some of these counties, cities, and towns, by reason of the increased value of the property and the reduction of the debt by the payment of the sinking fund, the rate of taxation has become disproportionate to the amount to be paid, requiring a larger amount to be collected from the people annually than is necessary for the payment of the interest and sinking fund aforesaid: Therefore,

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the county commissioners court of any county, or the mayor and board of aldermen or city council of any city or town, that have heretofore issued bonds to aid in the construction of railroads or other works of internal improvement, are hereby authorized and empowered to reduce the rate of taxation heretofore levied for the purpose of paying the interest and sinking fund on such bonds, so as to raise the amount necessary to pay the said interest and sinking fund which may become due annually according to the terms of said bonds; and any county, city, or town, by its said commissioners, or city council, or mayor and aldermen, may from time to time hereafter increase or diminish its rate of taxation according to the valuation of its taxable property, so as to raise the amount necessary for the payment of the said interest and sinking fund annually; provided, that the taxes shall never be reduced below the rate that will raise the amount that is annually due upon such bonds.

Sec. 2. The levy of tax provided for in the preceding section shall be made upon the assessed value of the property of such county, city or town for the previous year, and shall remain in force from year to year until there has been a new levy, according to the provisions of this act. It shall be the duty of the officer who shall make the assessments annually for such county, city or town to make the levy of the taxes aforesaid upon the assessment of property made for general purposes, and to so return his rolls as to show

the said tax due from each person the same as the other taxes are shown. No additional fees shall be allowed for said work. For collecting the said taxes the tax collector of such county, city or town shall receive one and one-half per cent upon the amount collected.

Sec. 3. Emergency clause.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, no nays; and passed the House by a vote of 73 yeas, 2 nays.]

Approved March 17, 1887.

Took effect from and after its passage.

CHAPTER XLIII.

S. S. B. No. 52.

Partition fences.

Sec. 1. Rights of joint owners of dividing fences.

Sec. 2. Withdrawal or removal without notice, and penalty therefor.

Sec. 3. Failure to remove after expiration of notice, penalty therefor.

An act to provide for the separation or partition of adjoining fences, and to prescribe a penalty for a violation of the provisions of this act.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That hereafter it shall be unlawful for any person who is a joint owner of any separating or dividing fence, or who is in any manner interested in any fence attached to or connected with any fence owned or controlled by any other person, to remove the same except by mutual consent, or as hereinafter provided.

Sec. 2. Any person who is the owner or part owner of any fence connected with or adjoined to any fence owned in part or in whole by any other person, shall have the right to withdraw or separate his fence or part of fence from the fence of any other person or persons in this State; provided, that such person who desires to withdraw or separate such fence from the fence of any other person shall give notice in writing to such person, his agent, attorney or lessee, of his intention to separate or withdraw his fence or part thereof, for at least six months prior to the time of such intended withdrawal or separation. Any person failing to comply with the provisions of this section shall be fined in any sum not less than ten dollars nor more than fifty dollars, and every ten days

shall constitute a separate offense for the violation of this act.

Sec. 3. That any person who shall willfully continue to join his fence to that of another whose fence has been withdrawn under the provisions of this act, shall be fined not less than ten nor more than fifty dollars; provided, that each ten days after such notice is complete shall constitute a separate offense for the violation of this act.

Approved March 17, 1887.

Takes effect ninety days after adjournment.

CHAPTER XLIV.

S. B. No. 70.

Sequestration.

Sec. 1. Re-enacts article 4489, Revised Statutes, and adds seventh clause, authorizing sequestration in suits of trespass to try title, etc., against non-residents of State.

An act to amend article 4489, title 90, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 4489, title 90 of the Revised Civil Statutes of the State of Texas, be and the same hereby is so amended as to hereafter read as follows:

Article 4498 Judges and clerks of the district and county courts, and justices of the peace, shall, at the commencement or during the progress of any civil suit, before final judgment, have power to issue writs of sequestration, returnable to their respective courts, in the following cases.

1. When a married woman sues for divorce, and makes oath that she fears her husband will waste her separate property, or their common property, or the fruits or revenue produced by either, or that he will sell or otherwise dispose of the same so as to defraud her of her just rights, or remove the same out of the limits of the county during the pendency of the suit.

2. When a person sues for the title or possession of any personal property of any description, and makes oath that he fears the defendant or person in possession thereof will injure, ill treat, waste or destroy such property, or remove the same out of the limits of the county during the pendency of the suit.

3. When a person sues for the foreclosure of a mortgage or the enforcement of a lien upon personal property

of any description, and makes oath that he fears the defendant or person in possession thereof will injure, ill treat, waste or destroy such property, or remove the same out of the county during the pendency of the suit.

4. When any person sues for the title or possession of real property, and makes oath that he fears the defendant or person in possession thereof will make use of his possession to injure such property, or waste or convert to his own use the fruits or revenue produced by the same.

5. When any person sues for the title or possession of any property from which he has been ejected by force or violence, and makes oath of such fact.

6. When any person sues for the foreclosure of a mortgage or the enforcement of a lien on real estate, and makes oath that he fears the defendant or person in possession thereof, will make use of such possession to injure such property, or waste or convert to his own use the timber, rents, fruits or revenue thereof.

7. When any person sues to try the title to any real property, or to remove cloud upon the title to any such real property, or to foreclose a lien upon any such real property, or for a partition of real property, and makes oath that the defendant, or either of them in the event there be more than one defendant, is a non-resident of this State.

Approved March 17, 1887.

Takes effect ninety days after adjournment.

CHAPTER XLV.

S. H. B. No. 116.

Inquest upon dead bodies.

Sec. 1 Repeals Articles 992, 993, 994, 995, 996 and 1001, chapter 1, title 13, Code of Criminal Procedure--Amends Articles 988, 1002, 1006, 1008 and 1012, chapter 1, title 13, Code Criminal Procedure, and Article 1000, chapter 12, title 13, C. C. P., as amended by Eighteenth Legislature.

An act to repeal Articles 992, 993, 994, 995, 996 and 1001, and to amend Articles 988, 1002, 1006, 1008 and 1012, of chapter 1, title 13, of the Code of Criminal Procedure, and Article 1000 of the Code of Criminal Procedure as amended by chapter 12 of the General Laws of the Eighteenth Legislature of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Articles 992, 993, 994, 995, 996 and 1001, of chapter 1, title 13, of the Code of Criminal Procedure, be repealed; and that Articles 988, 1002, 1006, 1008 and 1012, of chapter 1, title 13, of the Code of Criminal Procedure, and Article 1000, of chapter 1, title 13, of the Code of Criminal Procedure, as amended by chapter 12 of the General Laws of the Eighteenth Legislature of the State of Texas, approved February 16, 1883, be so amended as to hereafter read:

Article 988. Any justice of the peace shall be authorized, and it shall be his duty, to hold inquests within his county in the following cases; provided, that all inquests shall be held by the justice of the peace without a jury:

1. When a person dies in prison.
2. When any person is killed, or from any cause dies an unnatural death, except under sentence of the law, or in the absence of one or more good witnesses.
3. When the body of any human being is found and the circumstances of his death are unknown.
4. When the circumstances of the death of any person are such as to lead to suspicion that he has come to his death by unlawful means.

Art. 1000. If any other persons than the justice, and the accused and his counsel, and counsel for the State, are present at the inquest, they shall not interfere with the proceedings, and no question shall be asked the witness except by the justice, the accused or his counsel, and the counsel for the State, and the justice of the peace may fine any person violating this article for contempt of court, not exceeding twenty dollars, and may cause such person to be placed in the custody of a peace officer and removed from the presence of the inquest.

Article 1002. The justice of the peace shall keep a book in which he shall make a minute of all the proceedings relating to every inquest held by him. Such minute shall set forth:

1. The nature of the information given the justice of the peace and by whom given, unless he acts upon facts within his own knowledge.
2. The time and place, when and where, the inquest is held.
3. The name of the deceased, if known, or if not known, as accurate a description of him as can be given.
4. The finding by the justice at the inquest.
5. If any arrest is made of a sus-

pected person before inquest held, the name of the person and the fact of his arrest, as well as everything material which relates thereto, shall be noted.

Article 1006. If it be found by the justice of the peace, upon evidence adduced at the inquest, that a person already arrested did in fact kill the deceased, or was an accomplice or accessory to the death, the justice may, according to the facts of the case, commit him to jail or require him to execute a bail bond with security for his appearance before the proper court to answer for the offense.

Article 1008. When by the evidence adduced before a justice of the peace holding an inquest, it is found that any person not in custody killed the deceased, or was an accomplice or accessory to the death, the justice shall forthwith issue his warrant of arrest to the sheriff or other peace officer commanding him to arrest the person accused, and bring him before such justice, or before some other magistrate named in the writ.

Art. 1012. When an inquest has been held the justice before whom the same was held shall certify to the proceedings, and shall enclose in an envelope the testimony taken, the finding of the justice, the bail bonds, if any, and all other papers connected with the inquest, and shall seal up such envelope and deliver it, properly endorsed, to the clerk of the district court without delay, who shall safely keep the same in his office subject to the order of the court.

Approved March 17, 1887.

Takes effect ninety days after adjournment.

CHAPTER XLVI.

S. H. B. No. 55.

District courts in the twenty-fifth Judicial district.

Sec. 1. Provides when the term of the district court shall commence and what shall be the length of said term in the several counties of the twenty-fifth judicial district.

Sec. 2. Repealing clause.

Sec. 3. Emergency clause.

An act to fix the times for holding the district courts in the several counties comprising the twenty-fifth judicial district of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act.

Whereas, a necessity has arisen out of the insufficiency of the two weeks term of the district court now allowed

Wilson county for the transaction of the business of said court; therefore.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the district courts of the twenty-fifth judicial district shall hereafter begin their terms as follows, to-wit:

In the county of Lavaca on the first Mondays in February and August of each year, and may continue in session four weeks.

In Colorado county on the first Mondays in March and September of each year, and may continue in session four weeks.

In Guadalupe county on the first Mondays in May and November of each year, and may continue in session four weeks.

In Wilson county on the first Mondays in June and December of each year, and may continue in session four weeks.

In Gonzales county on the first Mondays in January and July of each year, and may continue in session four weeks.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. Emergency clause.

[Note.—The foregoing act originated in the House and passed the same by a vote of 71 yeas, no nays; and passed the Senate by a vote of 22 yeas, no nays.]

Approved March 21, 1887.

Took effect from and after its passage.

CHAPTER XLVII.

H. B. No. 103.

Trial before jury.

Sec. 1. Adds Article 669a to title 8, chapter 5, Code Criminal Procedure, regulating order of trial where two or more persons are charged by separate indictments of offenses arising from same transaction.

An act to create Article 669a, of title 8, chapter 5, of the Code of Criminal Procedure of the State of Texas, so as to provide the order in which defendants charged with the same offense shall be tried.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That title 8, chapter 5, of an act entitled "An act to adopt and establish a Code of Criminal Procedure for the State of Texas," passed February 21, 1879, be so amended as to add

an additional article, as follows, to-wit:

Article 669a. Where two or more defendants are prosecuted for an offense growing out of the same transaction, by separate indictments, either defendant may file his affidavit in writing that one or more parties are indicted for an offense growing out of the same transaction for which he is indicted, and that the evidence of such party or parties is material for the defense of the affiant, and that the affiant verily believes that there is not sufficient evidence against the party or parties whose evidence is desired to secure his or their conviction; such party or parties for whose evidence said affidavit is made shall be first tried; and in the event that two or more defendants make such affidavit and cannot agree as to their order of trial, then the presiding judge shall direct the order in which the defendants shall be tried; provided, that the making of such affidavit does not without other sufficient cause operate as a continuance to either party.

Approved March 21, 1887.

Takes effect ninety days after adjournment.

CHAPTER XLVIII.

H. B. No. 39.

Live stock.

Sec. 1. Amends section 46, acts 1885, exempting certain counties from the operation of the inspection laws, and for the appointment of inspectors by the Governor.

An act to amend section 46, chapter 25, of the acts of 1885, entitled "An act to amend chapter 79 of the acts of 1883, entitled 'An act to amend section 46 of an act to encourage stockraising and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 12, 1883."

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section 46 of the above recited act shall hereafter read as follows:

Sec. 46 That the counties of Anderson, Austin, Angelina, Bell, Bowie, Brazos, Bastrop, Burleson, Brazoria, Camp, Cass, Chambers, Cherokee, Colorado, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Falls, Freestone, Gonzales, Eastland, Stephens, Fayette, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Henderson, Hill, Hunt, Hopkins, Houston, Jackson, Jasper, Jefferson, Johnson, Kauf-

man, Lamar, Lee, Leon, Lampasas, McLennan, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Palo Pinto, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Wharton, De Witt, Wise, Wood, Jack, Calhoun, Harris, Young, Wheeler, Lavaca, Oldham, Nueces, Bee, Refugio, Limestone, San Patricio, Donley, Matagorda, Victoria, and the unorganized counties attached to Wheeler, Oldham, and Donley counties, are hereby exempted from the operations of this act, and that the provisions of the same shall in no wise relate or apply to the aforesaid counties: provided, that in those counties bordering on the lines of the State, except those bordering on Red River, whether organized or unorganized, the Governor shall appoint an inspector, whose duty it shall be to inspect, under the provisions of this act, all stock about to be driven or shipped out of the State, where there is a depot or place for the shipment of cattle; provided, that such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act; and provided further, that the counties of Limestone, Fayette, Lavaca, Gonzales, Bell, Calhoun, Navarro, Hood, Houston, Somervell, Erath, Bosque, Austin, Jackson, Victoria, Freestone, Coryell, Hamilton, Williamson and Harris, shall be excepted from all laws regulating inspection of hides.

Approved March 21, 1887.

Takes effect ninety days after adjournment.

CHAPTER XLIX.

H. B. No. 124.

Physicians.

Sec. 1. Amends Article 3635, title 73, Revised Statutes—Requires physicians to record their certificates in the office of the clerk of district court before practicing.

An act to amend Article 3635, title 73, of the Revised Civil Statutes.

Approved March 23, 1887.

Takes effect ninety days after adjournment.

CHAPTER L.

H. B. No. 122.

District courts in the thirteenth judicial district.

Sec. 1. Prescribes the terms of court in the several counties comprised in said district.

Sec. 2. Emergency clause.

An act to amend section 13 of an act entitled an act to amend section 13 of an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885.

Be it enacted by the Legislature of the State of Texas.

Sec. 1. That section 13 of an act entitled an act to amend section 13 of an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, be so amended as to hereafter read as follows:

Sec. 13. The thirteenth judicial district shall be composed of the counties of Limestone, Freestone and Navarro, and the districts courts shall be held therein as follows:

In the county of Freestone on the first Monday in September and the second Monday in February, and may continue in session four weeks.

In the county of Limestone on the fourth Monday after the first Monday in September, and on the fourth Monday after the second Monday in February, and may continue in session seven weeks.

In the county of Navarro on the third Monday in June and the first Monday in December of each year, and may continue in session nine weeks.

Sec. 2. Emergency clause.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 81 yeas, no nays; and passed the Senate by a vote of 26 yeas, no nays.]

Approved March 23, 1887.

Took effect from and after its passage.

CHAPTER LI.

S. H. B. No. 95.

Intoxicating liquors on election days.

Sec. 1. Amends Article 178, chapter 4, title 6, of the Penal Code.

An act to amend Article 178, chapter 4, title 6, of the Penal Code of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 178, chapter 4, title 6, of the Penal Code of the State of Texas be so amended as to hereafter read as follows:

Art. 178. If any person shall open or keep open any bar room, saloon, or other place, house or establishment where vinous, malt, spirituous or intoxicating liquors are sold, during any portion of the day on which an election is held for any purpose or office whatsoever, in the voting precinct, village, town or city where such an election is held, or within three miles of any such voting precinct, village, town or city where such election is held; or shall in such voting precinct, village, town or city, or within three miles thereof, sell, barter or give away any vinous, malt, spirituous or intoxicating liquor during the day on which any such election is held; or if any person shall carry to the polling place on the day of an election, or in the neighborhood of the same, any intoxicating liquors for the purpose of sale or gift; or if any person shall find and take possession of any intoxicating liquors at or near the polling place, or inform another of the whereabouts of said intoxicating liquors, he shall be fined not less than one hundred nor more than five hundred dollars.

Approved March 23, 1887.

Takes effect ninety days after adjournment.

CHAPTER LII.

H. B. No. 96.

County officers and county moneys.

Sec. 1. Amends Article 951, title 24, of the Revised Statutes; requires a report to the county commissioners' court, from the clerk of the district court and other county officers, of any of the money that belongs to the county, or for its use, that may have come into the hands of said officers.

An act to amend an act entitled an act to amend Article 951, title 24, of the Revised Statutes of the State of Texas, approved March 27, 1883.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That an act entitled an act to amend Article 951, title 24, of the Revised Statutes, approved March 27, 1883, be so amended as to hereafter read as follows:

Art. 951. Clerks of the district and county courts, county judges, county treasurers, sheriffs, district and county attorneys, constables and justices of the peace, who shall collect or handle any money for the use of the county, shall make a full and complete report, under oath, in writing, to the commissioners court, at each regular term thereof, of all fines imposed and collected, and all judgments rendered and collected for the use of the county, and all jury fees collected in their respective courts in favor of or for the use of the county; and at the same time to present their receipts and vouchers showing what disposition has been made of the money collected, fines imposed and judgments rendered; which reports, receipts and vouchers shall be carefully examined by the said commissioners court, and if found to be correct, shall cause the clerk to enter the same on the financial ledger; and if found to be incorrect, shall summon said officer before them and have the same corrected; and said reports, receipts and vouchers shall be filed in the county clerk's office.

Approved March 23, 1887.

Takes effect ninety days after adjournment.

CHAPTER LIII.

H. B. No. 53.

Unlawful marriages.

Sec. 1. Penalty for bigamy increased.

An act to amend article 324, title 10, chapter 1, Penal Code.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 324, Penal Code, title 10, chapter 1, hereafter read as follows:

Art. 324. If any person who has a former wife or husband living shall marry another in this State, such person shall be punished by imprisonment in the State penitentiary for a term not less than two nor more than five years.

Approved March 23, 1887.

Takes effect ninety days after adjournment.

CHAPTER LIV.

H. B. No. 73.

Illegal voting.

Sec. 1. Amends article 165, chapter 4, title 6, Penal Code, and prescribes punishment for voting for any person or proposition by one knowing himself not qualified to vote.

An act to amend article 165, chapter 4, title 6, of the Penal Code of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 165, chapter 4, title 6, of the Penal Code of the State of Texas, be so amended as hereafter to read as follows:

Art. 165. If any person knowing himself not to be a qualified voter, shall at any election held vote for any officer to be then chosen, or for or against any measure or proposition to be determined by said election, he shall be punished by confinement in the penitentiary not less than two nor more than five years.

Approved March 23, 1887.

Takes effect ninety days after adjournment

CHAPTER LV.

H. B. No. 377.

Taxes by cities and towns for construction of public buildings, etc.

Sec. 1. City council may levy tax to meet interest and sinking fund on certain debts, and may issue coupon bonds, etc.

Sec. 2. Repealing clause.

Sec. 3. Emergency clause.

An act to authorize cities and towns to levy and collect taxes for the construction or purchase of public buildings, water works, sewers, improvements of streets, and other permanent improvements, and to issue bonds therefor, and to repeal all laws in conflict therewith.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the city or town council of any city or town within this State, incorporated under the General Laws, shall have power by ordinance to levy and collect an annual ad valorem tax sufficient to meet the interest and sinking fund on all indebtedness legally incurred prior to the adoption of the constitutional amendment in 1883, regarding the power of cities and towns to levy and collect taxes, etc., and may levy and collect twenty-five cents on the one hundred dollars valuation of all the property in such city or town for current expenses, and may levy and collect an additional tax of twenty-five cents on the one hundred dollars valuation, for the purpose of constructing or the purchase of public buildings, water works, sewers, street improvements and other permanent improvements within the limits of

such city or town; and all cities and towns providing for such improvements shall have the power to issue coupon bonds of the city therefor, in such sum or sums as they may deem expedient, to bear interest not exceeding six per cent per annum; provided, that the aggregate amount of bonds issued for the above named purposes shall never reach an amount where the tax of one-fourth of one per cent will not pay current interest and provide a sinking fund sufficient to pay the principal at maturity, and the amount of bonds legally issued under acts passed prior to the adoption of the present Constitution shall not be computed in estimating the amount of bonds which may be issued for the above named city improvements. Within the meaning of this act shall be included building sites and buildings for the public free schools and institutions of learning within those which have assumed, or may assume hereafter, the exclusive control and management of the public free schools and institutions of learning within their limits.

Sec. 2. That all laws in conflict with this act are hereby repealed.

Sec. 3. Emergency clause.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 65 yeas, 20 nays; and passed the Senate by a vote of 21 yeas, 3 nays.]

Approved March 23, 1887.

Took effect upon and after its passage.

CHAPTER LVI.

S. B. No. 114.

Wills.

Sec. 1. Authenticated testamentary instruments which have been probated in any State or Territory of the United States, may be recorded here as muniments of title; provides four years in which to contest such authenticated testamentary instrument.

Sec. 2. Such authenticated testamentary instrument shall be prima facie evidence that the probate law of the State where such instrument was probated has been complied with.

Sec. 3. Such testamentary instrument, when recorded, shall have the effect of a deed.

Sec. 4. That the record of such instrument shall be notice of such will.

Sec. 5. Suspends the rule requiring bills to be read on three several days.

An act authorizing wills and testaments, and testamentary instruments

of any character, which have been probated in any other State or Territory of the United States, to be recorded as muniments of title to real property in this State conveyed thereby.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That when any will or testament or testamentary instrument of any character, conveying or in any manner disposing of land in this State, has been duly probated according to the laws of any of the United States or Territories, a copy thereof and its probate, attested by the clerk of the court in which such will and testament or testamentary instrument was admitted to probate, and the seal of the court annexed, if there be a seal, together with a certificate from the judge or presiding magistrate of such court that the said attestation is in due form, may be filed and recorded in the register of deeds in any county in which said real estate is situated, in the same manner as deeds and conveyances are required to be recorded, and without further proof or authentication; provided, that at any time within four years from the date of the record of such will in this State, the validity of such will may be contested in a proceeding instituted for that purpose, as the original might have been.

Sec. 2. A copy of such will and testament, or testamentary instrument, and its probate so attested, together with the certificate that said attestation is in due form as required by the preceding section of this act, shall be *prima facie* evidence that said will has been duly admitted to probate according to the laws of the State wherein it has been admitted to probate, and shall be sufficient to authorize the same to be recorded in the proper county or counties in this State.

Sec. 3. Every such will and testament, or testamentary instrument, and its probate, which shall be attested and proven as provided in section 1 of this act, and delivered to the clerk of the proper court to be recorded, shall take effect and be valid and effectual as a deed of conveyance of said property, and the record thereof shall have the same force and effect as the record of deeds or other conveyances to land from the time when such instrument was delivered to such clerk to be recorded, and from that time only.

Sec. 4. The record of such will and testament, or testamentary instrument, and its probate, duly attested

and proven as provided in the preceding sections of this act, and duly made in the proper county, shall be taken and held as notice to all persons of the existence of such will and testament, and of the title or titles conferred thereby.

Sec. 5. The near approach of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved March 23, 1887.

Takes effect ninety days after adjournment.

CHAPTER LVII.

S. S. B. No. 44.

Railroad crossings.

Sec. 1. Requires openings and crossings every mile and a half where railways fence their right-of-way—Provides for at least one opening and crossing in every enclosure where the railways have fenced their right-of-way.

Sec. 2. Such crossings shall be thirty feet wide, and provides the condition in which they shall be kept.

Sec. 3. Such openings and crossings shall be made on demand of two citizens who live in five miles of the railway.

Sec. 4. Such demand shall be made in writing to the nearest local agent of such railway.

Sec. 5. Railways shall have thirty days to make such crossing, and are not required to make such crossing under certain circumstances.

Sec. 6. What shall be deemed a compliance to demand for an opening and crossing.

Sec. 7. Persons making such demand can recover from such railway five hundred dollars for each month they fail to comply therewith.

Sec. 8. This law does not affect the law which requires crossings at intersections of roads and streets.

An act to require railway corporations when they fence their right-of-way, or where they have already fenced it, to leave or make certain crossings or openings therein, and to provide a penalty for the violation hereof.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That all railway corporations in this State which have, or which may hereafter fence their right-of-way, may be required to make

openings or crossings through their fence and over their road bed along their right-of-way every one and one-half miles thereof; provided, that if such fence shall divide any enclosure that at least one opening shall be made in said fence within such enclosure.

Sec. 2. Such crossings shall be not less than thirty feet in width, and shall be made and kept in such condition as to admit of the free and easy passage of horses, cattle, sheep, hogs, all other domesticated animals, wagons and other vehicles.

Sec. 3. Such crossings shall be made at such times and places as may be demanded by any two or more citizens of the State who either live or own land within five miles of the place where such crossings may be demanded.

Sec. 4. Such demand shall be made in writing, of the nearest local agent of such railway company to the place where such crossing or crossings are demanded, and shall state when and where such crossing is desired.

Sec. 5. No railway company shall be required to complete such crossings as may be demanded under this act in a shorter time than thirty days from the day on which such demand is first made, nor shall they be required to make any crossings where they have already left such crossings in each one and one-half miles of their road, except inside of inclosures, as is provided in section one.

Sec. 6. Any railroad company, upon such demand, shall be deemed to have complied therewith upon making such crossings within four hundred yards of the place where they are demanded, within the time herein allowed.

Sec. 7. Whenever any railway company shall fail or refuse to comply with the requirements of this act after demand is made in accordance herewith, such railway company shall pay to the persons who made such demand each the sum of five hundred dollars for each and every month they shall so fail or refuse to comply with such demand, the same to be recovered by suit in any court of this State having jurisdiction of the amount.

Sec. 8. Nothing in this act shall be so construed as to affect the law requiring railroad companies to provide proper crossings at intersection of all roads and streets.

Approved, March 23, 1887.

Takes effect ninety days after adjournment.

CHAPTER LVIII.

S. H. B. Nos. 43, 45.

Private Corporations.

Sec. 1. Amends act of March 27, 1885, amendatory of Article 566, chapter 2, Revised Statutes, declaring for what purposes charters may be granted.

An act to amend an act entitled an act to amend chapter 2, article 566, of the Revised Civil Statutes of the State of Texas, approved March 27, 1885.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That an act to amend chapter 2, Article 566, of the Revised Civil Statutes of the State of Texas, approved March 27, 1885, be so amended as to hereafter read as follows:

Article 566. The purposes for which private corporations may be formed are:

1. The support of public worship.
2. The support of any benevolent, charitable, educational or missionary undertaking.
3. The support of any literary undertaking, the maintenance of a library, or the promotion of painting, music or other fine arts.
4. The encouragement of agriculture and horticulture by associations for the maintenance of public fairs and exhibitions of stock and farm products.
5. The maintenance of a public and private cemetery.
6. The construction and maintenance of any species of road except a railroad and a bridge in connection therewith.
7. The construction and maintenance of a bridge.
8. The construction and maintenance of a telegraph or telephone line.
9. The establishment and maintenance of a ferry.
10. The establishment and maintenance of a line of stages.
11. The building and navigation of steamboats, and the carriage of persons and property thereon.
12. The supply of water to the public.
13. The manufacture and supply of gas, or of the supply of light or heat to the public by any means.
14. The transaction of any manufacturing or mining business.
15. The transaction of a printing or publishing business, and in connection therewith the sale of goods, wares and merchandise of a stationery and blank book manufacturing business.

16. The establishment and maintenance of a hotel.

17. The erection of buildings and the accumulation and loan of funds for the purchase of real property in cities, towns and villages.

18. The transportation of goods, wares and merchandise, or any valuable thing.

19. The promotion of immigration.

20. The construction and maintenance of sewers.

21. The construction and maintenance of a street railway.

22. The erection and maintenance of market houses and market places.

23. The construction and maintenance of canals for the purposes of irrigation, navigation or manufacturing.

24. The purchase and sale of agricultural and farm products, goods, wares and merchandise; provided that the capital stock of such corporations shall not exceed twenty thousand dollars; provided further, that the number of persons incorporating for such purposes shall in no instance be less than ten, nor shall any person hold or own more than five hundred dollars of such stock; and any person owning more than five hundred dollars of such stock shall be liable for all the debts of such corporation.

25. The construction of harbors and canals on the coast of the Gulf of Mexico.

26. The growing, purchasing and selling seeds, plants, trees, etc., for agricultural, horticultural and ornamental purposes.

27. The construction and maintenance of mills and gins.

28. The accumulation and loan of money; but this subdivision shall not permit incorporation with banking or discounting privileges.

29. The construction and maintenance of stock yards and pens.

30. The construction and maintenance of establishments for slaughtering, refrigerating, canning, curing and packing meat.

31. The construction and maintenance of establishments for the preserving and canning of fruits, vegetables and fish.

Approved March 23, 1887.

Takes effect ninety days after adjournment.

CHAPTER LIX.

H. B. No. 595.

Cities and towns.

Sec. 1. Provides for special election to fill vacancies in the offices of mayor or alderman in cities or towns.

Sec. 2. Emergency clause.

An act to amend Article 352, title 17, chapter 2, of the Revised Civil Statutes of the State of Texas, as amended by an act approved April 6, 1881.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 352, title 17, chapter 2, of the Revised Civil Statutes, as amended by the act approved April 6, 1881, be so amended as to hereafter read as follows:

Article 352. In case of a vacancy in the office of mayor or alderman, by refusal to accept or failure to qualify, or by death, resignation or otherwise, the city council shall order a new election to fill such vacancy, and all special elections shall be conducted as herein provided for in the annual election; provided, that in all special elections to fill vacancies ten days notice shall be deemed sufficient. In case of a vacancy in any other office in the city than mayor or alderman, by refusal to accept or failure to qualify, or by death, resignation or otherwise, the mayor or acting mayor shall fill such vacancy by appointment to be confirmed by the city council.

Sec. 2. Emergency clause.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 72 yeas, and passed the Senate by a vote of 26 yeas.]

Approved March 24, 1887.

Took effect from and after its passage.

CHAPTER LX.

H. B. No. 60.

Protection of game.

Sec. 1. To punish the taking or killing of quails and partridges in April, May, June, July, August and September.—Fines to go to common school fund.—Netting entirely prohibited.

An act to amend Article 428 of section 1 of an act entitled, "An act to amend Articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create Article 426½, and to repeal Article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, A. D. 1881.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 428 of section 1 of an act entitled "An act to amend

Articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create Article 426½, and to repeal Article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, A. D. 1881, be amended so as to read as follows:

Article 428. If any person shall in any manner catch or kill any quail or partridges in this State, in the months of April, May, June, July, August and September of any year, he shall be deemed guilty of a mi demeanor, and upon conviction thereof before any justice of the peace, or other court of competent jurisdiction, shall be fined the sum of ten dollars, together with all costs of suit, which fine shall go to the common school fund, and the person so convicted shall stand committed to jail until such fine and costs are paid; and the netting of partridges and quail is hereby entirely prohibited under a like penalty for the infraction of this provision and under the proceedings governing this article.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXI.

H. B. No. 185.

Judicial districts—Thirty-eighth district.

Sec. 1. Fixes times of holding court in several counties of said district.

Sec. 2. Repealing clause.

Sec. 3. Emergency clause.

An act to amend section 38 of an act entitled "An act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section 38 of an act entitled "An act to redistrict the State into judicial districts and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883, be so amended as hereafter to read as follows:

Sec. 38. The Thirty-eighth judicial

district shall be composed of the counties of Uvalde, Comal, Kendall, Kerr, Bandera and Medina, and the district courts therein shall be held as follows:

In the county of Uvalde, on the second Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Bandera, on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kendall, on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kerr, on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Comal, on the eleventh Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Medina, on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. Emergency clause.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 71 yeas, no nays; and passed the Senate by a vote of 21 yeas, no nays.]

Approved March 25, 1887.

Took effect from and after its passage.

CHAPTER LXII.

S. B. No. 239.

Injuries resulting in death.—Actions for.

Sec. 1. Amends the first clause of Article 2899, Revised Statutes.

An act to amend Article 2899 of the Revised Civil Statutes of the State of Texas in relation to the recovery of damages for injuries resulting in death.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 2899 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 2899. An action for actual damages on account of injuries causing the death of any person may be brought in the following cases:

1. When the death of any person is caused by the negligence or carelessness of the proprietor, owner, charterer or hirer of any railroad, steamboat, stage coach or other vehicle for the conveyance of goods or passengers, or by the unfitness, negligence or carelessness of their servants or agents.

2. When the death of any person is caused by the wrongful act, negligence, unskillfulness, or default of another.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXIII.

S. B. No. 271.

Sheriffs' reports to Adjutant General.

Sec. 1. Sheriffs to forward lists of fugitives to Adjutant General.

Sec. 2. Adjutant General to furnish blanks.

Sec. 3. Penalty for failing to forward lists.

An act requiring sheriffs to report to the Adjutant General, upon adjournment of the district courts in the several counties of this State, certified lists of all fugitives under indictment for felony in said counties, to provide the means and mode of securing such lists, and to prescribe the punishment for a failure or refusal to forward them.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That hereafter it shall be the duty of each sheriff in this State, upon the close of any regular term of the district court in his county, or within thirty days thereafter, to make out and forward by mail to the Adjutant General of this State a certified list of all persons who, after indictment for a felony, have fled from such county. Such lists shall contain the full name of each of such fugitives, with a description giving his age, height, weight, color and occupation, the complexion of skin, and the color of eyes and hair, and peculiarities in person, speech, manner or gait that may serve to identify such fugitive, so far as the sheriff may be able to give them, and shall state the offense with which such person is charged.

Sec. 2. The Adjutant General shall prescribe, have printed, and forward to the sheriffs of the several counties the necessary blanks upon which are to be made the lists herein required.

Sec. 3. Any sheriff in this State failing or refusing to make out and for-

ward said certified lists within the time and according to the forms herein provided for, shall be deemed guilty of official misconduct, and upon conviction shall be fined not less than ten nor more than one hundred dollars.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXIV.

H. B. No. 545.

Supreme Court and Court of Appeals.

Sec. 1. Article 1006—Counties returnable on appeal and writ of error to Tyler, and cases to be transferred from Austin thereto. Article 1008—Counties so returnable to Austin.

Sec. 2. Emergency clause.

An act to amend Articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 26, 1885, entitled, "An act to amend Articles 1006, 1007 and 1008 of an act entitled 'an act to amend Articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature,' and approved April 9, 1883."

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Articles 1006 and 1008 of the above recited act, sought hereby to be amended, be and the same are hereby amended so as to hereafter read as follows:

Article 1006. Appeals and writs of error from the counties of Anderson, Bowie, Camp, Cass, Cherokee, Delta, Ellis, Hopkins, Franklin, Gregg, Harrison, Henderson, Hunt, Kaufman, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood shall be returnable to the term of said court held at Tyler; and all cases from the county of Ellis pending in the supreme court and the court of appeals at Austin, and undetermined at the adjournment of the term of said courts commencing on the first Monday of April, 1887, shall be transferred to Tyler and entered upon the dockets of said courts of Tyler, and shall be determined and tried in the same manner as if said cases had originally been made returnable to the term of said courts held at Tyler.

Article 1008. Appeals and writs of error from the counties of Andrews, Archer, Armstrong, Atascosa, Bailey,

Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Briscoe, Brown, Burnet, Caldwell, Callahan, Carson, Castro, Childress, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Cochran, Clay, Coleman, Collin, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Edwards, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Frio, Gaines, Garza, Gillespie, Gray, Grayson, Greer, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hill, Hockley, Hood, Howard, Hutchinson, Jack, Johnson, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lee, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Milam, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Palo Pinto, Parker, Pecos, Potter, Presidio, Randall, Reeves, Roberts, Robertson, Runnels, San Saba, Scurry, Shockelford, Sherman, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Travis, Uvalde, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Yoakum, Young and Zavala shall be returnable to the term of said court held at Austin.

Sec. 2. Emergency clause.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXV.

H. B. No. 507.

Judicial districts—forty-first.

Sec. 1. Creates forty-first judicial district.

Sec. 2. Fixes time of holding court in counties composing said district.

Sec. 3. Governor to appoint district judge and district attorney for this district.

Sec. 4. Writs and process, how returnable.

Sec. 5. Repealing clause.

Sec. 6. Emergency clause.

An act to create the forty-first judicial district and to provide for the appointment of a district judge and district attorney therein, and to provide the times of holding the terms of the district court in said district.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the counties of Brewster, Buchel, Foley, Pecos, Val Verde, Crockett, Kinney, Edwards, Jeff Davis and Maverick, be and the same are hereby constituted the forty first judicial district of the State of Texas.

Sec. 2. The district courts shall be held in the several counties composing the forty-first judicial district, as follows:

In the county of Brewster, on the first Mondays in March and September, and may continue in session two weeks.

In the county of Pecos, on the third Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Val Verde, on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kinney, on the seventh Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of Edwards on the tenth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Maverick, on the twelfth Monday after the first Mondays in March and September, and continue in session until the business is disposed of.

The unorganized county of Crockett is hereby attached to the county of Val Verde for judicial purposes.

Sec. 3. The Governor shall appoint some suitable citizen of said district, possessing the qualifications required by the Constitution in case of an election, judge of said district, who shall hold his office until the next general election and until his successor is elected and qualified; and the Governor shall also appoint some suitable citizen of said district, possessing the qualification required in case of an election, district attorney of said district until the next general election and until his successor is elected and qualified.

Sec. 4. All writs and process returnable to the district courts, as heretofore fixed in the several counties affected by this act, shall be as valid and binding as if no change had been made by this act.

Sec. 5. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 6. Emergency clause.

[NOTE.—The foregoing act originated in the House, and passed the same by

a vote of 77 yeas, and passed the Senate by a vote of 23 yeas.

Approved March 25, 1887.

Took effect from and after its passage.

CHAPTER LXVI.

S. B. No. 147.

Department of State.

Sec. 1. Certain files, etc., declared to be archives of said department.

An act to amend article 62, chapter 2, title 7, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 62, chapter 2, title 7, be so amended as to hereafter read as follows:

Art. 62. The entire archives of the Congress of the late republic of Texas, and of the several Legislatures of the State of Texas, arranged and filed according to law, together with the records, books and journals of said Congress and Legislatures of the State, prepared in accordance with law, and heretofore or that may hereafter be deposited in the office of the Secretary of State, are declared to be archives of said office.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXVII.

S. B. No. 199.

Habeas corpus.

Sec. 1. Repeals the restriction on obtaining the writ a second time.

An act to repeal article 190, title 3, chapter 8, of the Code of Criminal Procedure of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 190 of the Code of Criminal Procedure of the State of Texas be and the same is hereby repealed.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXVIII.

S. B. No. 2.

County courts—jurisdiction restored.

Sec. 1. Restores the original jurisdiction to county courts of Live Oak, Karnes, La Salle, Kendall, Coryell, Panola and Throckmorton counties.

Sec. 2. Appellate jurisdiction of said courts.

Sec. 3. County judges of said counties may issue writs of injunction, etc.

Sec. 4. For enforcement of forfeitures, etc.

Sec. 5. Jurisdiction of misdemeanors.

Sec. 6. Transcripts of cases in district courts certified to said county courts.

Sec. 7. Terms of county courts in said counties, and return of process.

Sec. 8. Jurisdiction in probate matters.

An act to restore to and confer upon the county courts of Live Oak, Karnes, La Salle, Kendall, Coryell, Panola and Throckmorton counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXIX.

S. B. No. 249.

Attachment and sequestration.

Sec. 1. Venue of suits for wrongfully suing out writs of.

An act to provide for the venue of suits for damages growing out of attachment and sequestration suits.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That any suit for damages growing out of the wrongful levy of a writ of attachment or sequestration, may be brought in any county from which such writ issued, or in any county in which any such levy is made within this State.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXX.

S. B. No. 289.

Estates of decedents.

Sec. 1. Partition *per capita* and *per stirpes*.

An act to amend Article 1652 of the Revised Civil Statutes of the State of Texas, relating to the descent and distribution of estates.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 1652 of the Revised Civil Statutes of the State of Texas be so amended as to read hereafter as follows:

Art. 1652. When the intestate's children, or brothers and sisters, uncles and aunts, or any other relations of the deceased standing in the first and same degree alone come into the partition they shall take per capita—that is to say, by persons; and when a part of them being dead and a part living, the descendants of those dead have right to partition, such descendants shall inherit only such portion of said property as the parent through whom they inherit would be entitled to if alive.

Approved March 25, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXI.

S. B. No. 166.

Relief of citizens of Calhoun county from taxes.

Sec. 1. Relieves citizens of Calhoun from payment of State taxes for 1886.

Sec. 2. Emergency clause.

An act to relieve the citizens of Calhoun county from the payment of taxes due to the State of Texas for the year A. D. 1886.

Whereas, on the twentieth day of August, A. D. 1886, a great storm and flood swept over the county of Calhoun, which destroyed the city of Indianola and caused great loss of life; the floods caused by a great tidal wave passed over the greater portion of the country and destroyed every vestige of the growing crops in its wake, and killed large numbers of cattle, horses and other stock; in portions of the county not reached by the flood the wind was so violent that many dwellings, fences, etc., were utterly demolished; scarcely a building of any character in the town that escaped wreck and damage; and,

Whereas, the great loss of life and destruction of property in said county have produced a great public calamity by rendering homeless many hundreds of inhabitants; therefore,

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the citizens of Calhoun county be and they are hereby released from the payment of taxes due by them in said county to the State for the year A. D. 1886, and that the collector of taxes for the said county is hereby forbidden to collect the taxes due the State in said county for the year A. D. 1886 by the inhabitants of said Calhoun county.

Sec. 2. Emergency clause.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 26 yeas, no nays; and passed the House by a vote of 73 yeas.]

Approved March 25, 1887.

Took effect from and after its passage.

CHAPTER LXXII.

S. B. No. 291.

Cities and Towns—Concerning debts of.

Sec. 1. Cities and towns may compromise existing debts, and to pay such debts, may issue new bonds.

Sec. 2. In making compromises debts barred by the statutes of limitation shall not be funded.

Sec. 3. New bonds exempt from municipal taxes, and receivable for taxes levied to pay the same.

Sec. 4. Bonds to be signed by the mayor, attested by the secretary, and registered in the office of the State Comptroller.

Sec. 5. New bonds may be exchanged for old, or sold and proceeds applied under certain restrictions.

Sec. 6. Continues laws now in force for collection of taxes—When sinking fund may be applied to purchase of new bonds.

Sec. 7. Continues laws for the levy and collection of taxes when the compromise is accepted—Limiting defenses to actions on new bonds, etc.

Sec. 8. Collector liable on his official bond at the suit of holders of new bonds for failing to collect taxes, etc.—Governor to appoint collector, when.

Sec. 9. Board of Liquidation; how appointed, duties of, etc.

Sec. 10. Provides for appointment of a receiver, etc.

Sec. 11. Repeals act of March 25, 1879, insofar as said act applies to bonds issued under act of April 12, 1871—Does not repeal the act of April 18, 1879.

Sec. 12. Emergency clause.

Sec. 13. Suspends rule requiring bills to be read on three several days.

An act to authorize any city or town in this state to compromise existing indebtedness, and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of taxes to pay the principal and interest of such new bonds and to provide for the appointment of receivers for said municipal corporations during the pendency of negotiations for such compromise.

Whereas, in some of the cities and

towns of this State there is an existing indebtedness against the same necessitating the collection of an excessive tax upon the people to pay the interest and provide a sinking fund as required by law for the ultimate extinguishment of said indebtedness;

And, whereas it is believed a satisfactory adjustment, settlement and compromise of much of said indebtedness could be effected between said cities and towns and the holders of said indebtedness if duly authorized by law, by which such indebtedness would be greatly reduced and taxation necessary to meet the same greatly lessened in amount;

And, whereas, the accomplishment of this adjustment, settlement and compromise is a great public necessity which requires the rules to be suspended that this act may become a law at the present session of the Legislature, and that it take effect and be in force from and after its passage: Therefore,

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the mayor and board of aldermen of any city or town in this State are hereby authorized and empowered, by resolution or ordinance of said board of aldermen reciting the caption of this act and adopting the same, to compromise and fund any existing valid indebtedness by such city or town issued, whether bond or floating, and the coupons due upon the bonded debt; and for this purpose they are hereby authorized and empowered to issue new bonds, in denomination of not less than fifty nor more than one thousand dollars, in their discretion, with interest coupons payable semi-annually at the office of the State Treasurer or at such other place as said boards of aldermen shall provide; said new bonds to become due and payable in not exceeding thirty years, and to bear such rate of interest, not exceeding six per cent per annum, as in their discretion may best serve the purpose intended by this act.

Sec. 2. No compromise shall be made under the provisions of this act by which any debt shall be funded which is now barred by the statute of limitations, or which may be barred at the time of such compromise.

Sec. 3. The new bonds thus issued by any city or town shall be exempt from the payment of all taxes levied by such city or town, and the taxes levied to pay said new bonds may be paid in said bonds or coupons thereof if matured; provided, that

said coupons and bonds shall only be received in payment of taxes levied for the purpose of paying such bonds and coupons.

Sec. 4. That the mayor and board of aldermen shall cause to be prepared the necessary blank bonds to give effect to the provisions of this act, the cost of which shall be paid out of the treasurer [treasury] of such city or town; said bonds when issued by any city or town shall be signed by the mayor and attested by the secretary (or recorder if there be no secretary), with the seal of such city or town affixed; and such new bonds, whether issued by any city or town, shall be registered in the office of the State Comptroller.

Sec. 5. Such new bonds may be exchanged for the old bonds, or they may be sold and the proceeds applied to the purchase of such old bonds; provided, that no delivery of such new shall take place unless a contract has already been entered into for the purchase of a corresponding amount of old bonds; and provided, further, no bonds issued under this act shall be sold at less than par, and each bond shall be made to bear the lowest rate of interest that will give a par value.

Sec. 6. That all laws now in force providing for the collection of taxes for the payment of the principal and interest of such existing bonds shall apply and be in force for the collection of taxes for the payment of the principal and interest of such new bonds; provided, that the sinking fund may be used in the purchase and cancellation of such new bonds whenever the same can be bought at not more than their par value.

Sec. 7. The object and intention of this act being to enable the cities or towns in this State which have granted subsidy bonds to railroads or other works of internal improvements, or created any other indebtedness whatever, whether bonded or floating, to compromise the same, and thereby reduce the burden of taxation, it is hereby declared, as an inducement to the holders of said bonds to accept the compromise, that whenever such compromise shall be entered into and accepted in good faith either by the holders of the present bonds or by any persons purchasing such new bonds as provided in this act, that all laws now in force or which may hereafter be in force for the assessment and collection of the State taxes, shall also be in force and apply to the assess-

ment and collection of the taxes levied to meet the interest and sinking fund of said new bonds; and in any suits which may hereafter be instituted to enforce the payment of said new bonds or coupons against any such city or town, no defense, either in law or equity, shall be admitted in any of the courts of this State except such as originated upon or subsequent to the issuance of such bonds.

Sec. 8. Whenever a collector of taxes shall neglect or refuse to collect the taxes levied for the payment of the interest and sinking fund of such new bonds, he shall be liable on his official bond, at the suit of any persons holding any of said bonds or coupons, for all such damages as said person or persons shall have sustained by reason of his neglect or refusal; nor shall such collector or his sureties be relieved of such liability by his resignation of the office; and whenever any person who may be elected collector of taxes of any city or town shall fail, neglect or refuse to give the bond required by law for the collection of such tax, or whenever the mayor and board of aldermen shall appoint any person who shall fail, neglect or refuse to give said bond, or whenever they shall fail, neglect or refuse to appoint some person who will give said bond and collect said tax, then it is hereby made the duty of the Governor to appoint some suitable person to collect said taxes, who shall perform all the duties required by this act or any other law of this State relating to the collection of said taxes, from the term of his said appointment until the next general election.

Sec. 9. That whenever a compromise of the debt of any city or town shall be effected as hereinbefore provided, and the bonds are delivered to the creditors, a board of liquidation, consisting of five reputable citizens of such city or town, shall be appointed forthwith in the manner following: The mayor of the city or town shall appoint one, the Governor of the State shall appoint one, and the district judge of the district in which such city or town shall be situated shall appoint one, the city council of the city or town shall appoint one, and the holders of said indebtedness, or a majority of them, shall appoint one, and each shall fill vacancies in the office of their respective appointees in said board; and in case of failure, neglect or refusal of any one or all of said officers to appoint a member of said board, or to

fill vacancies therein, then the holders of said bonds, or any one or more of them, shall have a right to apply to the district court of the district in which such city or town shall be situated, or to the judge thereof in vacation, for the appointment of a member or members of said board necessary to complete the same, and it shall be the duty of said court or judge to make said appointment. The members of said board shall serve without compensation, and shall hold their offices for the term of four years and until their successors are appointed and qualified. Each member of said board shall take an oath to faithfully perform the duties of his office. A majority of the board shall constitute a quorum for the transaction of business. Said board or a majority thereof shall select some solvent depository for all moneys coming under their control, as hereinafter provided, and for whose acts they shall be responsible, and shall, in writing signed by them, notify the collector of taxes of said city or town of said selection. It shall thereupon become the duty of such collector to deposit at the close of business each day one-half of all moneys collected by him for the twenty-four hours next preceding on account of all the taxes of whatever nature levied by said city or town with the said depository, whose receipt therefor shall be an acquittance to said collector; and said collectors shall be liable on their official bonds for any failure to promptly make such deposits and for ten per cent per month of such amounts and in addition thereto as penalty, which sums may be recovered by said board of liquidation in a suit therefor, and it shall be their duty to promptly institute such suits. But whenever the total of such deposits shall equal the annual interest on the said bonds it shall be lawful for such collector to discontinue said deposits until he shall be notified in writing by said board that said deposits are reduced below that sum. Said funds of cities or towns shall be subject to the order of said boards of liquidation, and shall be applied by them to the payment, first, of the interest on said bonds as the same matures, and secondly, to the payment of the principal thereof. The members of said board shall be liable for the prompt payment of said interest out of said funds, and in case of failure or refusal they shall in addition be liable to ten per cent of the amount of such interest as damages, to be recovered by any

person aggrieved thereby, in any court of competent jurisdiction. Whenever there shall be in the hands of such depositaries a sufficient sum to pay two per cent of the principal of said bonds in addition to one and one-half year's interest, it shall be the duty of said board of liquidation to use the same in the purchase of outstanding bonds as provided in section 6 of this act, which bonds when so purchased shall be canceled, and shall, together with all coupons which have been paid, be returned to the council of the city or town. Expenses incurred by said board in advertising for purchase of bonds shall be paid out of said funds. Said boards shall make semi-annual report to the said councils of their acts and of all receipts and disbursements of moneys coming under their control.

Sec. 10. That any city or town so situated as herein set forth, which fails to accomplish a compromise of its debts, or pending the negotiation of a compromise, shall be permitted, on its application setting forth its financial condition and insolvency, to have the district court of the county in which said city or town is situated to take charge of the collection and appropriation of all taxes levied and assessed by said city or town, except so much thereof as is necessary to pay the current expenses of the city or town; and to that end said court, or the judge thereof in vacation, shall appoint a receiver, or may make the assessor and collector of said city or town its receiver, to collect and pay into a named depository all taxes levied by said city or town for the payment of its debts; and said courts shall decide all questions of priority between conflicting claimants of said funds, and shall provide for the ratable and equitable distribution of said funds among all creditors entitled thereto. But it shall not be lawful for any court to appoint a receiver of or concerning any city or town except upon the voluntary application of such city or town.

Sec. 11. That this act shall not be construed to repeal an act entitled "An act to authorize counties, cities and towns to scale and fund their indebtedness, and for raising means to pay the same," approved March 25, A. D. 1879, except in so far as said act may apply to bonds issued under an act entitled "An act to authorize counties, cities and towns to aid in the construction of railroads and other

works of internal improvement," approved April 12, 1871, and to that extent it is hereby repealed; nor shall this act be construed to repeal an act entitled "An act to authorize any county, city or town in this State to compromise existing bonded indebtedness, and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of taxes to pay the principal and interest of such new bonds," approved April 18, 1879.

Sec. 12. The fact that compromises may be made under this bill at an early date, and that agreements to that effect are practically pending at this time, and of great importance, causes an emergency to exist which requires this act to take effect and be in force from and after its passage, and it is enacted.

Sec. 13. The near approach of the close of the session creates an imperative public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days, and such rule is hereby suspended.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 26 yeas, 4 nays; and passed the House by a vote of 68 yeas, 3 nays.]

Approved March 26, 1887.

Took effect from and after its passage.

CHAPTER LXXIII.

S. B. No. 149.

Diminishes the jurisdiction of the county courts of Orange, Concho, Tyler, Greer and Mason counties.

Sec. 1. Diminishes the jurisdiction of said county courts except in matters of probate, guardianship, etc.

Sec. 2. The duties of county and district court clerks in cases transferred from county courts—Cases transferred to district courts shall be appearance cases.

Sec. 3. Repealing clause.

Sec. 4. Emergency clause.

An act to diminish the civil and criminal jurisdiction of the county courts of Orange, Concho, Tyler, Greer and Mason counties, and to conform the jurisdiction of the district courts of said counties to such change.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 26 yeas, no nays; and passed the House by a vote of 71 yeas, 2 nays.]

Approved March 26, 1887.

Took effect from and after its passage.

CHAPTER LXXIV.

S. B. No. 141.

Diminishes the jurisdiction of the county court of Brazos county.

Sec. 1. Defines the criminal and probate jurisdiction of the county court of Brazos county.

Sec. 2. Provides that the county court shall have appellate jurisdiction of criminal and certain civil cases from magistrates courts.

Sec. 3. Confers jurisdiction on the district court of all causes which under the general laws the county court would have jurisdiction, except as provided for in sections one and two of this act.

Sec. 4. Duties of the county and district court clerks in all cases transferred by this act to the district court.

Sec. 5. Repealing clause.

An act to diminish the civil jurisdiction of the county court of Brazos county, and to conform the jurisdiction of the district court of said county to such change.

Approved March 26, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXV.

H. B. No. 211.

Stock laws.

Sec. 1. Amends Revised Statutes, Article 4604, as to impounding trespassing stock; 4605, such stock shall not be sold where owners pay damages, etc.

An act to amend Articles 4604 and 4605, title 93, chapter 4, of the Revised Statutes of the State of Texas, to provide for preventing certain animals from running at large in counties and subdivisions.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Articles 4604 and 4605 of the Revised Statutes of the State of Texas be so amended as to read as follows:

Art 4604. If any stock forbidden to run at large shall enter the enclosed lands, or shall, without being herded, roam about the residence, lots or cultivated land of any person other than the owner of such stock, without his consent, in any county or subdivision in which the provisions of this chapter have become operative in the manner provided in the preceding articles, the owner, lessee, or person in lawful

possession of such lands may impound said stock and detain the same until his fees and all damages occasioned by said stock are paid to him.

Art. 4605. No animals shall be impounded unless they have entered upon the enclosed lands or shall be found roaming about the residence, lots or cultivated land of another, and whenever any stock is impounded notice thereof shall at once be given to the owner, if known, and such owner shall be entitled to their possession upon payment of fees and damages.

Approved March 26, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXVI.

S. B. No. 232.

Gaming.

Sec. 1. Prescribes punishment for keeping or exhibiting gaming table, etc.

An act to amend Article 358, of chapter 3, title 11, of the Penal Code of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 358, of chapter 3, title 11, of the Penal Code of the State of Texas, be so amended as to read as follows:

Art. 358. If any person shall keep or exhibit for the purpose of gaming any gaming table or bank of any name or description whatever, or any table or bank used for gaming which has no name, any pigeon hole table or jenny lind table, or nine or ten pin alley, table or alley of any kind whatever regardless of the number of pins, balls or rings used, used for gaming—and such pigeon hole table or jenny lind table, or nine or ten pin alley, table or alley of any kind whatever regardless of the number of pins, balls or rings used, shall be considered as used for gaming if the table fees, or alley fees, or money, or anything of value is bet thereon—or shall be in any manner interested in keeping or exhibiting any such table or bank, or nine or ten pin alley, table or alley of any kind whatever regardless of the number of pins, balls or rings used, at any place, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars and imprisonment in the county jail for not less than ten nor more than ninety days.

Approved March 26, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXVII.

H. B. No. 256.

Railroads.

Sec. 1. Cars for shipping, sheep, goats, hogs and calves shall be double-decked.

Sec. 2. Prescribes rates for double-decked cars and penalties for evading this act; railroads can charge only half rate where a single decked car is furnished.

Sec. 3. Emergency clause.

An act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That all railroad companies operating any railroad, or any part thereof, within the limits of this State, be and the same are hereby required to provide cars with double decks, for the shipment of sheep, goats, hogs and calves; that the said cars must be in every way as large as those now in use upon the respective railroads in this State; that the distance between the floor and the second deck shall be the same as between said second deck and the roof; that the floor of said second deck shall be so constructed as to protect the animals beneath, and that said cars must be furnished by the railroad company to any person who shall offer to ship at one time hogs, sheep, goats or calves in car-load lots.

Sec. 2. It shall not be lawful for any railroad company to charge more for shipping a double decked car-load of sheep, goats, hogs or calves than is charged for shipping a car-load of other cattle or horses the same distance and in the same direction; and any railroad company that shall fail or refuse to furnish double decked cars of the dimension prescribed in the preceding section to any person who may wish to ship as much as a double decked car-load of sheep, hogs, goats, or calves, or shall charge more for shipping a double decked car load of sheep, hogs, goats or calves than for shipping a car-load of other cattle or horses for the same distance and in the same direction, shall be liable to pay to the owner or shipper of said sheep, hogs, goats or calves the sum of five hundred dollars as liquidated damages, to be recovered in any court of competent jurisdiction; provided, that if railroad companies shall

transport, sheep, hogs, goats and calves on single decked cars at one-half the price per car-load charged for shipping horses or other other cattle, then the penalties prescribed in this act for failure to provide double decked cars shall be inoperative.

Sec. 3. Emergency clause.

Approved March 26, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXVIII.

H. B. No. 330.

County Commissioners.

Sec. 1. Prescribes oath of county judge and commissioners and bond of commissioners.

An act to amend Article 1512, chapter 1, title 31, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 1512, chapter 1, title 31, of the Revised Civil Statutes, be so amended as hereafter to read as follows:

Article 1512. Before entering upon the duties of his office the county judge and each commissioner shall take the oath of office prescribed by the Constitution, and shall also take an oath that he will not be directly or indirectly interested in any contract with or claim against the county in which he resides, except such warrants as may issue to him as fees of office, which oath shall be in writing, and taken before such officer authorized to administer oaths, and, together with the certificate of the officer who administered the same, shall be filed and recorded in the office of the clerk of the county court in a book to be provided for that purpose, and each commissioner shall execute a bond, with two or more good and sufficient sureties, to be approved by the judge of the county court of his county, in the sum of three thousand dollars, payable to the treasurer of his county, conditioned for the faithful performance of the duties of his office.

Approved March 26, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXIX.

H. B. No. 101.

Regulating the sale of spirituous and other intoxicating liquors.

Sec. 1. Amends an act approved April 4, 1881, amendatory of sections 1 and 4

of an act approved March 11, 1881; also amends sections 5 and 8 of the act of March 11, 1881, concerning sale, etc., of intoxicating liquors.

An act to amend an act to amend sections one (1) and four (4) of an act to regulate the sale of spirituous, vinous, or malt liquors, or medicated bitters; to fix the rate of occupation taxes upon all persons, firms, or associations of persons engaged in the sale of spirituous, vinous, or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881, approved April 4, 1881; and to amend an act to regulate the sale of spirituous, vinous, or malt liquors, or medicated bitters; to fix the rate of occupation tax upon all persons, firms, or associations of persons engaged in the sale of spirituous, vinous, or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section four (4) of an act to amend sections one (1) and four (4) of an act entitled an act to regulate the sale of spirituous, vinous, or malt liquors, or medicated bitters; to fix the rate of occupation taxes upon all persons, firms, or associations of persons engaged in the sale of spirituous, vinous, or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and affix penalties for the failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881, approved April 4, 1881; and that sections five (5) and eight (8) of an act to regulate the sale of spirituous, vinous, or malt liquors, or medicated bitters; to fix the rate of occupation tax upon all persons, firms, or associations of persons engaged in the sale of spirituous, vinous, or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for the failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881, be so amended as to hereafter read as follows:

Sec. 4. Any person, firm or associa-

tion of persons desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, shall, before engaging in such occupation, be required to enter into bond in the sum of five thousand dollars, with at least two good, lawful and sufficient sureties, payable to the State of Texas, to be approved by the county judge, conditioned that said person, firm or association of persons so selling spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in quantities less than a quart, shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication; and that he or they will not sell or permit to be sold in his or their house or place of business, nor give nor permit to be given, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of twenty one years, or to a student of any institution of learning, or to any habitual drunkard, or to any person after having been notified in writing through the sheriff or other peace officer, by the wife, mother, daughter or sister of the person, not to sell to such person; and that he or they will not permit any person under the age of twenty one years to enter and remain in such house or place of business; and that he or they will not permit any games prohibited by the laws to be played, dealt or exhibited in or about such house or place of business; and that he or they will not keep or permit to be kept, for profit, amusement or other purposes, in or about his or their place of business, any nine or ten pin alley, pool table, bagatelle, pigeon hole or jenny lind table, nor any other kind of table or device used for games of chance; and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication in quantities less than a quart, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate in any manner by mixing any drug with any intoxicating liquor of any kind; and that he or they will not knowingly sell or give away any impure or adulterated liquor of any kind; which said bond

may be sued on at the instance of any person or persons aggrieved by the violation of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for each infraction of the conditions of such bond, and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond as above indicated, if any person, firm or association of persons shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorneys, or either of them, to institute suit thereupon in the name of the State of Texas, for the use and benefit of the county, and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon a breach of any of the conditions thereof; and whenever the first or subsequent bond, as required, is exhausted by suit at the instance of individuals or for the use of the county, a new similar bond shall be given and approved before the dealer shall have the right to further pursue his occupation as a retail liquor dealer; or in case suit is pending on any such bond, and the county or district attorney shall make or file an affidavit with the clerk of the county court that he believes the bond of the defendant will be exhausted by said suit, the clerk shall at once notify the liquor dealer thereof, and it shall be the duty of the retail liquor dealer within twenty days from the time the bond is exhausted, or in other event within twenty days from the time the notice is given, to give a new bond similar to the bond first given, to be approved in the same way, and until such new bond is given and approved when it is required by this act, the retail liquor dealer shall not have the right to further pursue his occupation; and any person, firm or association of persons who shall pursue his or their said occupation without giving the first bond or the new bond, as required by this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined the same amount provided for in cases where no license has been obtained. The provisions of this section shall not be so construed as to repeal or in any manner affect any penal laws now in force in this State concerning the unlawful sale of spirituous, vinous or

malt liquors, or medicated bitters capable of producing intoxication; nor shall they be construed as depriving any person, firm or association of persons who are now pursuing the occupation of selling spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, in any quantity, who have complied with the law regulating the same, from continuing the said pursuit or occupation for the full length of time for which license was obtained, and the law otherwise complied with. An open house, in the meaning of this act, is one in which no screen or other device is used or placed, either inside or outside of such house or place of business, for the purpose of, or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold in quantities less than a quart. A quiet house or place of business, in the meaning of this act, is one in which no music, loud and boisterous talking, yelling, or indecent or vulgar language is allowed, used, or practiced, or any other noise calculated to disturb or annoy persons residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitute or lewd woman or women are allowed to enter or remain; and it is further provided that said house must not contain any vulgar or obscene pictures.

Sec. 5. The county clerks in the several counties in this State shall issue license to any person, firm or association of persons engaged or desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, upon payment by such person, firm or association of persons of all occupation taxes herein levied for State purposes, and such additional occupation taxes as shall be levied by commissioners courts and by incorporated towns or cities, and also filing the bond required in section four of this act; the evidence of payment of all tax upon such occupation shall be the receipt of the county collector of taxes for such amount of tax as shall have been or may be assessed and collected for State and county purposes upon such occupation, and the receipt of the city collector of taxes for the amount of such tax paid any city or town wherein such business or occupa-

tion may be carried on. If any county clerk shall issue a license to any dealer in intoxicating liquors without first requiring the bond provided for in this act, he shall be fined not less than one hundred nor more than five hundred dollars. For issuing the license herein provided for the county clerks shall be entitled to charge and receive a fee of twenty five cents for each license so issued.

Sec. 8. The license required by this act shall be posted in some conspicuous place in the house where the business or occupation for which such license is necessary is carried on; and for a failure to so conspicuously post such license at or in such place of business, any person or any member of any firm or association of persons so failing shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed twenty-five dollars; and each day of such failure to so conspicuously post such licenses shall constitute a separate offense.

Approved March 29, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXX.

S. B. No. 77.

Public lands.

An act to provide for the sale of such appropriated public lands situated in the organized counties of the State of Texas as contain not more than six hundred and forty acres.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That any person desiring to purchase any of such appropriated public lands situated in the organized counties of the State of Texas as contain not more than six hundred and forty acres, appropriated by "An act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale," approved July 14, A. D. 1879, may do so by causing the tract or tracts which such person may desire to purchase to be surveyed by the authorized public surveyor of the county in which such land is situated. The provisions of this act shall not be so construed as to prohibit the right of pre-empting within the bounds of the reservation here made; but any person shall have the same right of acquiring a homestead within this reservation, under the pre-emption laws of this State, as he may

have had prior to the passage of this act.

Sec. 2. The person desiring to purchase any of said lands shall make application therefor in writing, describing lands by reference to the surrounding surveys.

Sec. 3. It shall be the duty of the surveyor to survey the lands designated in said application within three months from the date thereof, and within sixty days after said survey to certify to, record and map the field notes of said survey; and he shall also, within the said sixty days, return to and file the same in the General Land Office, together with the application for the purchase thereof, as required by law in other cases.

Sec. 4. Surveyors shall be entitled to receive from applicants for the purchase of lands under the authority of this act all legal surveyor's fees for work done by them.

Sec. 5. Within ninety days after the return to and filing in the General Land Office of the surveyor's certificate, map and field notes of the land desired to be purchased, it shall be the right of the person who has had the same surveyed to pay, or cause to be paid, into the treasury of the State of Texas the purchase money therefor at two dollars per acre; and upon the presentation to the Commissioner of the General Land Office of the receipt of the State Treasurer for such purchase money, said Commissioner shall issue to said person a patent for the tract or tracts of land so surveyed and paid for.

Sec. 6. Should any applicant for the purchase of public land fail, refuse or neglect to pay for the same within the time prescribed in section 5 of this act, he shall forfeit all rights thereto and shall not thereafter be allowed to purchase the same, but such land so surveyed may be sold as if no survey had been made.

Sec. 7. Nothing in this act shall be so construed as to operate as a repeal of the reservations and donations of the lands referred to in this act to the free school and public debt funds made by former laws, but such reservations and donations shall be preserved intact, and the proceeds arising from the sale of the same under the provisions of this act shall go one-half to the permanent free schools and the other to the public debt fund.

Approved March 29, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXXI.

S. B. No. 306.

Twelfth judicial district.

An act to amend an act entitled an act to redistrict the State into judicial districts, and to provide for the election of judges and district attorneys of said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section 12, chapter 67, of the acts of the regular session of the Eighteenth Legislature (1883), be amended so as to hereafter read as follows:

Sec. 2 [12]. The twelfth judicial district shall be composed of the counties of Trinity, Walker, Grimes, Madison and Leon, and the district courts shall be held in said counties as follows:

In the county of Trinity on the first Monday in February, and may continue in session until the first Monday in March; and on the first Monday in August, and may continue in session four weeks.

In the county of Walker on the first Monday in March and September, and may continue in session four weeks.

In the county of Grimes on the fourth Monday after the first Monday in March and September, and may continue in session five weeks.

In the county of Madison on the ninth Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Leon on the twelfth Monday after the first Monday in March and September, and may continue in session until the business is disposed of.

Sec. 3 [2]. That this act may take effect and be in force from and after the first day of August, 1887, and that all writs and process, civil and criminal, heretofore issued, or which may be issued up to the time this act takes effect, by or from the district court of Trinity county, which is the only court affected by this act, and which are made returnable to the terms of said court as the same are now fixed by law, be and are made returnable to the terms of said court as fixed by this act in same manner as if this act took immediate effect.

Sec. 4 [3]. Emergency clause,

Approved March 29, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXXII.

S. B. No. 259.

Ninth judicial district.

An act to amend an act passed by the regular session of the Nineteenth Legislature entitled an act to amend section 9 of an act entitled an act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next general election to be held on the first Tuesday after the first Monday in November, 1884, passed at the regular session of the Eighteenth Legislature.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That an act to amend section 9 of an act entitled "An act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next regular election to be held on the first Tuesday after the first Monday in November, 1884," passed at the regular session of the Eighteenth Legislature, be amended so as to read as follows:

Sec. 9. The ninth judicial district shall be composed of the counties of Chambers, Liberty, Hardin, San Jacinto, Polk and Angelina, and the district court therein shall be held as follows:

In the county of Chambers on the first Mondays in March and September, and may continue in session two weeks.

In the county of Hardin on the second Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of San Jacinto on the sixth Mondays after the first Mondays in March and September, and may continue in session five weeks.

In the county of Polk on the thirteenth Mondays after the first Mondays in March and September, and may continue in session five weeks.

In the county of Angelina on the eighteenth Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Liberty on the twenty-second Mondays after the first Mondays in March and September, and may continue in session four weeks.

Sec. 2. All writs and process returnable to the district courts of the several counties mentioned in this act

shall be returnable to the several terms of said courts respectively begun and holden under the provisions of this act, except as in this act is otherwise provided and shall be as valid as if no change had been made in the times of holding said courts.

Approved March 29, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXXIII.

H. B. No. 129.

Disorderly house.

An act to amend Article 339, chapter 4, title 10, of the Penal Code.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Art. 339, chapter 4, title 10, of the Penal Code, shall be amended so as to read hereafter as follows:

Art. 339. A disorderly house is one kept for the purpose of public prostitution, or as a common resort for prostitutes or vagrants, or to which persons resort for the purpose of smoking or in any manner using opium.

Approved March 29, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXXIV.

H. B. No. 21.

House of correction and reformatory.

An act to establish a house of correction and reformatory, and to provide for its government and maintenance, and to make an appropriation therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. There [That] there shall be established in this State a house of correction and reformatory for the confinement of youthful convicts.

Sec. 2. It shall be the duty of the Governor of the State, immediately after this act shall go into effect, to appoint three commissioners to select a site for said house of correction and reformatory, who shall make such selection with a view to its healthfulness, accessibility, wood and water supply, fertility of soil and other advantages, and the same shall contain not less than six hundred and forty nor more than two thousand acres of land, and the same shall not be located within the vicinity of either of the penitentiaries, nor within two miles of any incorporated town or city. When a

site has been selected for said house of correction and reformatory, as herein provided, and the price has been agreed upon, and such selection and the price have been approved by the Governor, it shall be the duty of the commissioners to purchase the same; provided, the price does not exceed ten thousand dollars, to be paid for out of the appropriation provided for in this act. The title of the said property shall vest in the Governor of this State and his successors in office, for the use and benefit of said house of correction and reformatory. It shall be the duty of the trustees hereinafter provided for to contract for and superintend the construction of such buildings and other improvements as may be necessary for the safe keeping, comfort and profitable employment of the inmates confined therein; and in the construction of said buildings and improvements convict labor may be employed, if deemed advisable in the interest of economy. Said commissioners shall each receive five dollars per day for the time they are actually employed in the selection and purchase of such site, and in addition thereto necessary traveling expenses in visiting different sections of the State to select an advantageous site for said house of correction and reformatory; provided, said commissioners shall not receive more than one hundred and fifty dollars and actual expenses; provided, further, that all the expenses mentioned in this act shall be paid out of the appropriation hereinafter made. The trustees hereinafter provided for shall employ a competent architect, at a salary not exceeding one hundred and fifty dollars per month, to prepare plans and specifications for the construction of said building, and to personally supervise and direct the erection of the same; and the trustees are authorized and empowered to audit the accounts of said supervising architect and contractors, and to pay the same by installments as the work progresses, by draft drawn on the Treasurer and approved by the Governor of this State.

Sec. 3. The house of correction and reformatory, when completed or ready for occupancy, shall be placed under the supervision, direction and control of three trustees, to be appointed by the Governor, who shall hold their office for two years, unless sooner removed by the Governor for cause; and in case of vacancy the Governor shall fill such vacancy by appointment.

They shall make such special rules and regulations as may be deemed proper for the same, having in view the reformation, education and discipline as well as the profitable employment of the inmates confined in said house of correction and reformatory. They shall prescribe rules for the liberal commutation of time for good conduct. They shall see that said inmates are taught habits of industry and sobriety, some useful trade, and to read and write, and are also supplied with suitable books. In connection with said house of correction and reformatory there shall be established such mechanical industries as the board of trustees may deem proper and advisable, so that the inmates may be placed at such work in the discretion of the superintendent; and the trustees shall especially provide that the white and colored inmates shall be kept, worked and educated separately. Said trustees shall employ all subordinate officers, prescribe their duties and fix their compensation. Said trustees shall reside in the vicinity of said house of correction and reformatory, and shall each receive the sum of five hundred dollars per annum, to be paid quarterly upon sworn accounts, approved by the Governor, upon which warrant shall be drawn by the Comptroller on the Treasurer for the same. Said trustees at their first meeting shall elect a treasurer and secretary from among their number. They shall keep full and accurate accounts of all receipts and disbursements as well as their official proceedings, and make quarterly reports thereof to the Governor.

Sec. 4. The Governor as soon as necessary shall appoint a superintendent of said house of correction and reformatory, whose duty shall be to enforce the rules and regulations made by said trustees, and to manage and control the inmates thereof under the supervision of said trustees, and subject to removal by the Governor. The superintendent shall be a competent business man and a practical farmer of good moral character and of humane disposition, who shall receive a salary of eighteen hundred dollars per annum, to be paid quarterly by warrant drawn by the president of the board of trustees on the Treasurer and approved by the Governor. He shall also be financial agent, and shall purchase all material and supplies and disburse all moneys that may be appropriated therefor; and shall sell all

products raised and all articles manufactured by said inmates, and shall deposit the amounts realized on sale of same in the treasury of the State, and shall take a certificate of deposit therefor from the Treasurer. Before entering upon his office he shall give bond, with good and sufficient sureties, payable to the Governor and his successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties as superintendent and financial agent, which bond shall be approved by the Governor and deposited with the Secretary of State before said superintendent shall enter upon the duties of his office. He shall be under the control of said trustees, and shall hold his office for a term of two years unless sooner removed for failure, neglect or refusal to perform his duties.

Sec. 5. The said superintendent shall, at the end of each month, pay all employes, and shall also pay off and discharge all expenses incurred in the purchase of supplies and other necessary expenses in the support and maintenance as well as the conducting of said house of correction and reformatory. He shall also purchase such necessary work stock, milk cows and stock hogs, farm implements, and also necessary tools for shops and books for educational purposes, all of which amounts shall be duly itemized, verified by affidavit, presented to the board of trustees, and when approved by said board, the president of the board shall draw his warrant in favor of said superintendent for the amount which, when approved by the Governor, shall be paid by the Treasurer of the State.

Sec. 6. In said house of correction and reformatory shall be confined all convicts under the age of sixteen years who may be in the penitentiaries of this State and whose unexpired term of prison sentence may be five years or less, and all the persons under sixteen years of age who shall hereafter be convicted of a felony in any court in this State whose term of confinement shall not exceed five years; provided, said convicts confined in the house of correction and reformatory shall be required to wear such uniform as may be adopted by the board of trustees; provided, no uniform shall be prescribed similar to that now worn by the convicts in the penitentiaries. It shall be the duty of the Governor, upon the recommendation of the board of trustees and superintendent

of said house of correction and reformatory, for good behavior and exemplary moral conduct during confinement, to restore to such convicts all their legal rights at the expiration of their respective terms of servitude. When said house of correction and reformatory is ready to receive inmates it shall be the duty of the superintendent of the penitentiaries of this State to report to the Governor the number of convicts in said penitentiaries under the age of sixteen years, and the Governor shall, by his proclamation, order all such convicts transferred from the penitentiaries to said house of correction and reformatory, where such convicts shall serve out the remainder of their sentence under the rules and regulations of said house of correction and reformatory.

Sec. 7. When, upon trial and conviction of any person in this State of a felony, it is found by the verdict of the jury that the defendant is not more than sixteen years of age, and the verdict of conviction is by confinement for five years or less, the judgment and sentence of the court shall be that the defendant be confined in the house of correction and reformatory (instead of the penitentiary) for the term of his or her sentence, and that such defendant be conveyed to the house of correction and reformatory by the proper authority, and there confined for the period of his or her sentence; and for such service such officer shall be paid the same fees he would be allowed for carrying such convicts to the penitentiary.

Sec. 8. Until the completion of the house of correction and reformatory all convicts now in the penitentiaries of the State, or who may be convicted before that time and by the terms of this act are subject to imprisonment in said house of correction and reformatory, shall be confined in the penitentiary, and shall be subject to the rules and regulations of said penitentiary.

Sec. 9. Upon the discharge of any person so committed to said house of correction and reformatory, the superintendent shall provide them with a suitable suit of clothing and five dollars in money, and procure transportation to their houses, if resident of this State, or to the county in which they may have been convicted, at his option.

Sec. 10. That the sum of fifty thousand dollars, and all receipts from farm products and manufactured articles raised or manufactured in said house

of correction and reformatory, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of establishing the house of correction and reformatory herein provided for, to be paid on vouchers or warrants drawn by the commissioners or board of trustees on the Comptroller of Public Accounts, which shall be sufficient authority to the State Treasurer for the payment of the same; provided, that not more than forty thousand dollars of this appropriation shall be expended in the building and equipment of said house of correction and reformatory.

Approved March 29, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXXV.

S. B. No. 188.

Taxation.

An act to amend an act to amend Article 4761 of the Revised Civil Statutes of the State of Texas, approved April 24, 1879.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 4761 of the Revised Civil Statutes shall hereafter read as follows:

Art. 4761. The collectors of taxes shall, at the close of each month, pay over to the State Treasurer all moneys collected by them during the month, for the State, excepting such amounts as they are allowed by law to pay in the counties, reserving only their commissions on the same; and to enable them to do so, they may, at their own risk, secure and send the same to the Treasurer by express, or in post-office orders, at not more than the usual rates of exchange, to be paid by the State; that the collectors of taxes shall pay over to the State Treasurer all balances in their hands belonging to the State, and finally adjust and settle their accounts with the Comptroller on or before the first day of May of each year; that the Treasurer whenever he may receive from the collectors of taxes postoffice orders, shall collect the same and pay the money so collected into the treasury on the deposit warrant of the Comptroller, and the money when so deposited shall be a credit to the tax collector. It shall be the duty of the Comptroller to enforce a strict observance of the provisions of this article, but no public moneys shall be paid to the Comptroller except such are made payable

directly to him as collector of the same under existing statutes, and expressly provided by law to be paid to him as receiver of taxes; and in addition to the reports required by law to be made by tax collectors, they shall make a monthly statement under oath, on forms to be provided by the Comptroller, showing the amounts collected each month and the funds to which they belong. Any collector of taxes failing to comply with the provisions of this article shall be fined in a sum not less than five hundred and not more than one thousand dollars, and each failure to make the required report shall constitute a separate offense; and it shall be the duty of the Comptroller to notify the county attorney, or district attorney, of the county in which the collector resides, and the sureties on the bond of said collector, of any failure to comply with the provisions of this law.

Sec. 2. Emergency clause.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 26 yeas, no nays; and passed the House by a vote of 75 yeas, 1 nay.]

Approved March 30, 1887.

Takes effect from and after its passage.

CHAPTER LXXXVI.

S. B. No. 329.

Judicial districts—seventeenth and forty third.

An act to amend an act to amend an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9th, 1883, approved March 24th, 1885; to create the Forty-third Judicial District of the State of Texas, fix the time for holding court therein, and provide for the appointment of a district judge for said district.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section 17 of the above recited act be amended so as to hereafter read as follows:

Sec. 17. The county of Tarrant shall constitute the Seventeenth Judicial District, and court shall be begun and held therein as follows:

On the second Mondays in January, May and September, and may continue

in session until the business is disposed of; provided, the terms beginning on the second Monday in May shall run to the first Monday in July.

Sec. 2. The counties of Parker, Wise and Jack shall constitute the Forty-third Judicial District, and court shall be begun and holden therein as follows:

In the county of Parker on the second Mondays in May and November of each year, and may continue in session eight weeks.

In the county of Jack on the eight Monday after the second Mondays in May and November of each year, and may continue in session four weeks.

In the county of Wise on the twelfth Monday after the second Mondays in May and November of each year, and may continue in session six weeks.

Sec. 3. That immediately after the passage of this act the Governor shall appoint a suitable person as judge of the Forty-third Judicial District, who shall hold his office until the next general election held for State and county officers, and until his successor shall be elected and qualified.

Sec. 4. All process heretofore issued, or served, returnable in any of the counties of said judicial districts as heretofore prescribed by law, shall be considered returnable at the times herein prescribed, and all such process is hereby legalized and validated as if the same had been made returnable at the times herein prescribed.

Sec. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 6. Emergency clause.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 22 yeas, no nays; and passed the House by a vote of 83 yeas, 2 nays.]

Approved, March 30, 1887.

Took effect from and after its passage.

CHAPTER LXXXVII.

S. B. No. 328.

Judicial districts—sixteenth district.

An act to amend an act to amend an act entitled "An act to amend section 16 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next general election to be held on the first Tuesday after the first Monday in No-

vember, 1884, approved April 9, 1883," approved March 30, 1885.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section 16 of the above recited act be amended so as hereafter to read as follows:

Sec. 16. The sixteenth judicial district shall be composed of the counties of Denton, Montague and Cooke, and the district court shall be held therein as follows:

In the county of Denton, on the first Mondays in January and the second Mondays in July, and may continue in session six weeks.

In the county of Montague, on the twelfth Mondays after the first Mondays in January and second Mondays in July, and may continue in session four weeks.

In the county of Cooke, on the sixteenth Mondays after the first Mondays in January and the second Mondays in July, and may continue in session until the business is disposed of.

Sec. 2. Emergency clause.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 23 yeas, no nays; and passed the House by a vote of 79 yeas, no nays.]

Approved March 30, 1887.

Took effect from and after its passage.

CHAPTER LXXXVIII.

S. H. B. No. 250.

Venue of suits.

Sec. 1. Prescribes the venue in suits for breach of warranty of title.

An act to amend chapter 4, title 29, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1199a, so as to define the venue of suits upon breach of warranty of title to lands.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That chapter 4, title 29, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto Article 1199a

Art. 1199a. In breach of warranty of title to lands, where the vendors liable thereon live in different counties, the plaintiff may bring his action in any county where either of such vendors reside, and join all other vendors in one and the same suit.

Approved March 30, 1887.

Takes effect ninety days after adjournment.

CHAPTER LXXXIX.

H. B. No. 559.

Railroads.

Sec. 1. Repeals act of April 18, 1879, requiring railroad companies to stop their trains at State boundary lines.

Sec. 2. Emergency clause.

An act to repeal chapter 95 of the General Laws of the State of Texas, passed at the regular session of the Sixteenth Legislature.

[NOTE.—The foregoing act originated in the House, and passed the same by a two-thirds vote; and passed the Senate by a vote of 27 yeas, 2 nays.]

Approved March 30, 1887.

Takes effect from and after its passage.

CHAPTER XC.

S. H. B. No. 257.

Unlawfully selling intoxicating liquors.

An act to amend Article 378, chapter 6, title 13, of the Penal Code of the State of Texas, and to add Articles 378a, 378b, 378c, 378d and 378e, to said chapter and title, prohibiting the unlawful selling of intoxicating liquors, and defining and prohibiting blind tigers, and providing rules of evidence and penalties therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 378 of the Penal Code be amended so as to hereafter read as follows: and that title 11, chapter 6, be amended by adding thereto Articles 378a, 378b, 378c, 378d and 378e, which shall read as follows:

Art. 378. If any person shall sell any intoxicating liquor in any county, justice's precinct, city or town in which the sale of intoxicating liquor has been prohibited under the laws of this State, or if any person shall give away any intoxicating liquor in any such county, justice's precinct, city or town, with the purpose of evading the provisions of said laws, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars, and by imprisonment in the county jail for not less than twenty nor more than sixty days.

Art. 378a. The preceding article shall not apply to the sale of wines for sacramental purposes, nor to alcoholic stimulants as medicines in cases of actual sickness, but such stimulants shall only be sold upon the prescription of a regular practicing phy-

sician, dated and signed by him, and certified on his honor that he (the physician) has personally examined the applicant (naming him) and that he finds him actually sick and in need of the stimulant prescribed as a medicine; provided, that a physician who does not follow the profession of medicine as his principal and usual calling, or who is in any way directly or indirectly engaged in the sale of such stimulants, on his own account, or as the agent, employe or partner of others, shall not be authorized to give the prescription provided for in this article. And provided further, that no person shall be permitted to sell more than once on the same prescription, or upon a prescription which has been canceled, nor on a prescription which is not dated, signed and certified as above required; provided, that every person selling such stimulants upon the prescription herein provided for, shall cancel such prescription by endorsing thereon the word "canceled," and file the same away.

Art. 378b. It shall be the duty of any person who sells any intoxicating liquor upon the prescription provided for in Article 378a, to write across the face of the prescription, with ink, the word "canceled," and for any failure to do so he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and if any person shall sell any intoxicating liquor upon the prescription provided for in Article 378a, and shall permit the same to be drunk at the place or establishment where sold, or at any other place provided for that purpose by such person, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars.

Art. 378c. If any person who is not a regular practicing physician shall give a prescription to be used in obtaining any intoxicating liquor in any county, justice's precinct, city or town, in which the sale of intoxicating liquor has been prohibited under the laws of this State; or if any practicing physician who is directly or indirectly, either for himself or as the agent or employe of another interested in the sale of intoxicating liquor, shall give a prescription to be used in obtaining any intoxicating liquor in any such county, justice's precinct, city or town; or if any physician shall give a prescription to be used in obtaining any intoxicating liquor in any such county, justice's precinct, city or town, to any one who is not actually sick, and with-

out a personal examination of such person, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and by imprisonment in the county jail not less than twenty nor more than sixty days.

Art. 378d. If any person shall keep or run, or shall be in any manner interested in keeping or running a blind tiger in any county, justice precinct, city or town in which the sale of intoxicating liquor has been prohibited under the laws of this State, he shall be punished by confinement in the county jail not less than two nor more than twelve months, and by fine of not less than one hundred nor more than five hundred dollars. Each and every day such blind tiger is run or kept shall be a separate offense. A "blind tiger," within the meaning of this article, is any place in which intoxicating liquors are sold by any device whereby the party selling or delivering the same is concealed from the person buying or to whom the same is delivered. Upon complaint being filed with any justice of the peace, describing the place where any "blind tiger" is kept or run, such justice shall issue his warrant directed and commanding the sheriff or any constable of his county to search such place, and if the law is being violated to arrest the persons so violating it; and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant, and to arrest and bring before the justice who issued the writ all persons found by him therein; and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. In prosecutions under this article, where it is proven that there is posted up at the place where such blind tiger is kept or run, United States internal revenue liquor or malt license, to any one it shall be prima facie proof that the person to whom such license is issued is keeping and running such blind tiger.

Art. 378e. When the sale of intoxicating liquor has been prohibited in any county, justice precinct, city or town, the repeal of such prohibition shall not exempt from punishment any person who may have offended against any of the provisions of the law while it was in force, and the fact that a person purchases intoxicating liquor from any one who sells it in violation of the provisions of this

chapter shall not constitute such person an accomplice.

Sec. 2. The near approach of the end of the session and the great number of bills pending creates an emergency, and an imperative public necessity exists for the suspension of the rule requiring that bills be read on three several days, and it is so enacted.

Approved March 30, 1887.

Takes effect ninety days after adjournment.

CHAPTER XCI.

H. B. No. 31.

Railroads—Payment of employes.

An act to require railroads to pay their employes promptly, and prescribing a penalty for failure to pay them.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That whenever any railroad company shall discharge any employe, or whenever the time of service of any employe of a railroad company shall expire, or whenever any railroad company shall be due and owing any employe, such railroad company, upon such discharge, or upon the termination of the term of such service, or upon the maturity of such indebtedness, shall, within fifteen days after demand therefor upon the nearest station agent of said railroad company, pay to said employe the full amount due and owing him; and in case said railroad company fails or refuses to pay such employe, then it shall be liable and pay to such employe twenty per cent on the amount due him, as damages, in addition to the amount so due, in no case the damages to be less than five nor more than one hundred dollars.

Approved March 30, 1887.

Takes effect ninety days after adjournment.

CHAPTER XCII.

H. B. No. 112.

Railroads—To prevent the detention of trains.

An act to prevent the detention of any railroad passenger train, freight train or construction train running upon any railroad in this State, or any injury thereto, or to the track or other property of any railroad in this State, and to prescribe the punishment therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That any person or persons who shall, by force, threats or intimidation of any kind whatever, against any railroad engineer or engineers, or any conductor, brakeman or other officer or employe employed or engaged in running any passenger train, freight train or construction train running upon any railroad in this State, prevent the moving or running of said passenger, freight or construction train, shall be deemed guilty of an offense, and upon conviction thereof each and every person so offending shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, and also imprisoned in the county jail for any period of time not less than three months nor more than twelve months.

Sec. 2. Each day said train or trains mentioned in section 1 of this act are prevented from moving on their road as specified in section 1 of this act, shall be deemed a separate offense, and shall be punished as prescribed in section 1 of this act.

Sec. 3. Any person who shall willfully injure any railroad, locomotive engine or tender, or baggage, passenger or freight car of any railroad in this State, so as to prevent the use of the same, shall be punished by fine in any sum not less than one hundred dollars, and imprisonment in the county jail not less than three nor more than twelve months.

Approved March 30, 1887.

Takes effect ninety days after adjournment.

CHAPTER XCIII.

S. B. No. 122.

Estates of decedents.

An act to amend Article 1985, chapter 17, title 37, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 1985 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Art. 1985. Such allowance shall be of an amount sufficient for the maintenance of such widow and minor children for the term of one year from the time of the death of the testator or intestate, and such allowance to be fixed with regard to the facts existing during the first year after the death of such testator or intestate; provided, that in no case shall such allowance exceed one thousand dollars.

Sec. 2. The near approach of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved March 30, 1887.

Takes effect ninety days after adjournment.

CHAPTER XCIV.

S. B. No. 342.

Judicial Districts—twenty-ninth.

An act to designate what counties shall compose the twenty-ninth judicial district of the State of Texas, and to fix the times of holding court therein.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the twenty-ninth judicial district shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton and Coryell, and terms of the district court shall be held therein each year as follows

In the county of Palo Pinto, on the first Mondays in March and September, and may continue in session two weeks

In the county of Hood on the third Mondays in March and September, and may continue in session three weeks

In the county of Somervell, on the fifth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Erath, on the seventh Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Hamilton on the eleventh Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Coryell on the fourteenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. All writs, process, and bonds, civil and criminal, which may be issued or executed up to the time this act takes effect, by or from the district courts of the several counties above named, or under order of said courts, and made returnable to the terms of said courts as they are now fixed by law, shall be returnable to the next ensuing terms of said courts in each county as they are prescribed by this act; and all such writs, process, and

bonds above mentioned, are hereby legalized and validated to all intents and purposes as if the same had been made returnable to the term of said courts as the terms thereof are herein prescribed.

Sec. 3. That this act take effect and be in force from and after the thirty-first day of July, A. D. 1887, and that all laws in conflict herewith be and the same are hereby repealed.

Sec. 4. The near approach of the close of the present session of the Legislature makes it improbable that this bill could be regularly reached and passed, and an emergency is created, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved March 30, 1887.

Takes effect ninety days after adjournment.

CHAPTER XCV.

S. B. No. 281.

Commission of arbitration and award.

Sec. 1. Appointment, qualifications, term, salary, etc., of commissioners.

Sec. 2. Shall have power to hear and determine cases pending in Supreme Court referred thereto by written consent of parties.

Sec. 3. The commissioners' award, in cases referred by consent, to become judgment in the Supreme Court—Supreme Court shall make orders necessary to render said award effective.

Sec. 4. Opinions in cases transferred by consent shall not be reported—Shall have the force of res adjudicata, but not of stare decisis, unless otherwise determined by the Supreme Court.

Sec. 5. The Supreme Court may refer cases to said commission—Notice to parties in such cases, etc.

Sec. 6. Opinion, etc., by the commission in such cases shall be submitted to the Supreme Court with record, etc.

Sec. 7. Opinions of commission in referred cases, when adopted, shall be published as opinions of the Supreme Court.

Sec. 8. Costs, etc., in cases referred to the commission.

Sec. 9. The commission may appoint clerk—clerk fees—Prescribing the sessions thereof, etc.

Sec. 10. Prescribe form of seal to be used by said commission.

Sec. 11. Commission shall have-

power to issue writs of certiorari, etc., and to punish for contempt.

Sec. 12. Rules of procedure and practice in the Supreme Court shall apply in the commission.

Sec. 13. Appropriates \$20,500 to pay the salaries of commissioners.

Sec. 14. Commission to be discontinued, when.

Sec. 15. Emergency clause.

An act to create a commission of arbitration and award and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof.

[NOTE. The foregoing act originated in the Senate, and passed the same by a vote of 25 yeas, 1 nay; and passed the House by a vote of 52 yeas, 19 nays.]

Approved March 30, 1887.

Takes effect from and after its passage.

CHAPTER XCVI.

S. B. No. 5.

Descent and distribution.

An act to amend Article 1653, of title 33, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 1653, of title 33, of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Art. 1653. Upon the dissolution of the marriage relation by death, all property belonging to the community estate of the husband and wife shall go to the survivor, if there be no child or children of the deceased or their descendants; but if there be a child or children of the deceased, or descendants of such child or children, then the survivor shall be entitled to one-half of said property, and the other half shall pass to such child or children or their descendants. But such descendants shall inherit only such portion of said property as the parent through whom they inherit would be entitled to if alive.

Sec. 2. That an imperative public necessity and emergency exists that this act take effect at once; it is therefore enacted that this act take effect and be in force on and after its passage.

[NOTE.—The foregoing act originated in the Senate and passed the same by a vote of 25 yeas, no nays; and passed

the House by a vote of 93 yeas, 2 nays.]

Approved March 30, 1887

Took effect from and after its passage.

CHAPTER XCVII.

S. B. No. 128.

Counties, cities and towns—concerning debts of.

An act to authorize counties, cities and towns to compromise and adjust certain bonded indebtedness, and to provide for the levy and collection of taxes to pay the interest and sinking fund.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That any county, city or town that has heretofore issued bonds to aid in the construction of railroads and other works of internal improvements, are hereby authorized to compromise or adjust such indebtedness so created in such manner as may be deemed to the best interest of such county, city or town; provided, that the amount of the debt and the rate of interest thereon shall not be thereby increased; and, provided further, that no debt which has become barred by the statute of limitation shall be thereby revived. For the purpose of carrying out the compromise or adjustment hereby authorized the said counties, cities and towns are authorized to issue bonds, in denominations of not less than one hundred nor more than one thousand dollars each, for an amount sufficient to consummate such compromise or adjustment, not to exceed the amount unpaid on the outstanding bonds.

Sec. 2. The bonds authorized by the preceding section may be exchanged for the bonds heretofore issued, or they may be sold and the proceeds used to buy up the old bonds as it may be necessary; provided, that the said bonds shall not be exchanged for the old bonds at a greater rate than par, except that the old bonds may be taken at a discount and the new at face value, according to agreement; and provided, that the new bonds issued under this act shall not be sold for less than the amount for which the old bonds can be purchased. No bonds shall be sold under this act until there has been a contract by which the proceeds can be invested in the purchase of the old bonds.

Sec. 3. If any county, city or town shall desire to avail itself of this act,

and when arrangements shall have been made for the compromise or adjustment of any of the bonds as hereinbefore mentioned, the commissioners court of such county, or the city council of such town or city, shall enter an order, or adopt an ordinance, as the case may be, authorizing the issuance of bonds, which shall prescribe the amount to be issued, and shall cause blank bonds to be prepared for the purpose aforesaid. The bonds shall be made payable to bearer, and shall be payable such time after date as may be fixed and agreed upon, not to exceed fifty years, and shall bear such rate of interest as may be agreed upon, which shall not exceed the rate of interest that the old bonds now bear. The interest may be made payable annually or semi-annually, and at such place as may be specified. Coupons shall be attached, representing each installment of interest as specified which shall also include two per cent of the face of the bond as a sinking fund. The bonds issued by the county shall be signed by the county judge and attested by the county clerk, with the seal of the county, and the coupons shall be signed by the county judge. The bonds that may be issued by any city or town under the provisions of this act shall be signed by the mayor and attested by the city secretary or recorder, with the seal of such city or town attached, and the coupons shall be signed by the mayor.

Sec. 4. The bonds as herein authorized to be issued may be exchanged or sold from time to time, and in such amounts as can be procured of the old bonds by purchase or exchange. Whenever any bonds shall be issued, the county commissioners court, or council of such city or town, shall levy upon the last assessment of the property for such city or town, as the case may be, a tax sufficient to pay the interest and sinking fund of not less than two per cent upon such bonds. The tax so levied shall remain as the levy for that purpose until a new levy may be made for that purpose. Provided, that such commissioners court or council may from time to time increase or diminish such tax so as to adjust the same to the taxable values of the property of the county or city or town and the amount to be collected. Provided farther, that the amount shall not any time be reduced so that it will not raise an amount sufficient to pay the annual interest and sinking fund

on all the bonds sold or exchanged under this act.

Sec. 5. If the tax collector, or any officer charged with the duty of collecting the tax levied to pay the interest and sinking fund upon said bonds, shall refuse to collect the said tax at any time, he shall be liable upon his official bond to any person who may be injured thereby. If any collector shall refuse to collect said taxes, then upon the complaint of any citizen or person interested, or upon their own motion, it shall be the duty of the commissioners court of such county, or the city council of such city or town, to appoint some suitable person, who shall qualify as required of the collector aforesaid, and shall proceed to collect said tax until the next general election and until a collector shall be elected and qualified who will collect the same. If the commissioners court or council aforesaid shall fail or refuse to appoint some person as aforesaid, then the Governor of the State shall make such appointment of some suitable person who shall collect said taxes until the next general election and until some collector shall be elected who will collect the same; and such person so appointed by the Governor shall qualify as the regular collector is or may be required by law.

Sec. 6. Before the bonds that may be issued under this act shall be delivered they shall be registered in the office of the Comptroller of the State, who shall endorse upon each bond the date of such registration; and when so registered and delivered the said bonds shall not be subject to any defense that existed prior to the delivery of them, and this shall be stated in the face of the bonds.

Sec. 7. The taxes levied under this act shall be assessed by the officer whose duty it is by law to make the assessment for such county, city or town, who shall receive for such assessment one per cent for making such assessment. The officer whose duty it is by law to collect the taxes for such county, city or town, shall collect the taxes levied under this act, and shall receive as compensation therefor one per cent of the amount collected.

Sec. 8. If after all the matured coupons upon any series of bonds that may be issued under this act have been paid off there shall remain a surplus of the taxes collected under this act for the payment thereof, then the commissioners court of such county, or the council of such city or

town, may use the surplus so remaining to purchase any of the outstanding bonds, at not more than par. If said bonds cannot be purchased at par, then the said surplus may be applied to the payment of the next maturing coupons upon their maturity and the taxes for that year remitted to that extent.

Sec. 9. The near approach of the close of the present session rendering it impracticable to read this bill on three several days, creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and it is accordingly so enacted.

Approved March 30, 1887.

Takes effect ninety days after adjournment.

CHAPTER XCVIII.

S. B. No. 336.

Judicial districts—thirty-first, thirty-second, thirty-third, thirty-fifth, thirty-ninth and forty-second.

An act to reorganize the thirty-first, thirty-second, thirty-third, thirty-fifth and thirty-ninth judicial districts, and to create the forty-second judicial district of the State of Texas, and to fix the times of holding courts therein, and to provide for the appointment and election of judges and district attorneys in the thirty-second and forty second judicial districts; and to repeal all laws and parts of laws in conflict herewith.

Sec. 1. Counties comprised in the thirty-first judicial district and terms of court therein.

Sec. 2. Declares what unorganized counties are attached to Donley, Oldham and Wheeler counties for judicial purposes.

Sec. 3. Counties comprised in thirty-second judicial districts and the terms of court therein.

Sec. 4. Declares what unorganized counties are attached to Martin, Howard and Crosby counties for judicial purposes.

Sec. 5. Counties comprised in the thirty-third judicial district and terms of court therein.

Sec. 6. Counties comprised in the thirty-fifth judicial district and terms of court therein.

Sec. 7. Counties comprised in the thirty-ninth judicial district and terms of court therein.

Sec. 8. Declares what unorganized counties are attached to Hardeman,

Knox and Jones for judicial purposes.

Sec. 9. Counties comprised in the forty-second judicial district and terms of court therein.

Sec. 10. Provides that district judges of thirty first, thirty-third, thirty-fifth and thirty-ninth judicial districts shall continue to exercise their functions, and that the district attorney of the thirty-second district shall be district attorney for the forty-second district.

Sec. 11. Provides for the appointment of district attorney by the Governor for the thirty-second judicial district and a judge for the forty-second judicial district, and for the election of judge and district attorney for each of said districts at next general election.

Sec. 12. Writs and process, how returnable.

Sec. 13. This act takes effect after June 30, 1887.

Sec. 14. Repealing clause.

Sec. 15. Emergency clause.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 23 yeas, no nays; and passed the House by a vote of 71 yeas, 2 nays.]

Approved March 31, 1887.

Took effect from and after its passage.

CHAPTER XCIX.

S. S. B. No. 219.

Providing for the sale and lease of school and other public lands.

An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university and the several asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university, the lunatic asylum, the blind asylum, the deaf and dumb asylum and the orphan asylum, shall be sold and leased under the provisions of this act.

Sec. 2. The Commissioner of the General Land Office is hereby vested with all the power and authority necessary to carry into effect the provis-

ions of this act, and shall have full charge and direction of all matters pertaining to the sale and lease of said lands, and their protection from free use and occupancy, and from unlawful enclosure, with such exception and under such restrictions as may be imposed by the provisions of this act or by the Constitution of the State. He shall, as soon as practicable, adopt such regulations not inconsistent with the Constitution or this act as may be deemed necessary for carrying into effect the provisions of this act, and may, from time to time, alter or amend such regulations so as to protect the public interest; but all regulations shall be submitted to the Governor for his approval before adoption or promulgation. He shall adopt all necessary forms of applications for sales or leases, and all other forms necessary or proper for the transaction of the business imposed upon him by this act, including the forms of leases, receipts and acquittances, and may from time to time call upon the Attorney General to prepare such forms, and it shall be the duty of that officer to furnish the Commissioner of the General Land Office with such advice and legal assistance as may be requisite for the due execution of the provisions of this act; and it shall be the duty of such Commissioner to call upon the Attorney General for advice whenever there is any doubt as to the meaning of this act or any provisions thereof.

Sec. 3. As soon as may be practicable after the passage and approval of this act, the Commissioner of the General Land Office shall cause all the lands belonging to the several funds named in this act, which may be in demand for immediate settlement, to be carefully and skillfully classified and valued; and for this purpose he may appoint, with the approval of the Governor, such number of competent State agents as may be necessary to effect such classification and valuation; and he shall cause such classification and valuation to be made of the remainder of such lands from time to time as the same may come into demand for actual settlement; and with the approval of the Governor he may allow such compensation to said State agents as may be just and proper, not to exceed the sum of one hundred and fifty dollars per month and necessary expenses for subsistence. He may also appoint such other assistance as may be found necessary to accomplish such classification and appraisalment and

the sale or lease of the lands; but no State agents or other appointments shall be made in the absence of an appropriation by law to cover such expenditure, and the State shall not be liable for any expenditure of this character incurred in the excess of current appropriations.

Sec. 4. It shall be the duty of such State agents as may be appointed under the provisions of this act, under such regulations and instructions as may be prescribed by the Commissioner of the General Land Office, to classify all the lands belonging to the several funds mentioned in this act, as prescribed in section 3, lying in the particular territory to which such agent may be assigned, into agricultural, pasture and timber lands; and for this purpose they shall carefully examine the same, and after such examination they shall prepare an accurate plat of each section, showing the relative proportions of timber and open land on such section, and their situation, also the quality of the soil, the topography of the land, and the quality and kind of timber, and the streams and other sources of water supply, and their location, noting such streams as may be permanent water, and such other facts as may be important; and from time to time, as may be prescribed by the Commissioner of the General Land Office, such agent shall prepare and forward to the Commissioner, with such plats, a tabulated statement of all the lands in any particular locality, with the value of each section; and such plats and reports shall be filed in the General Land Office as a part of the records of said office; but nothing in this section contained shall be construed to require a classification of lands already classified under former laws, if such classification is satisfactory to the Commissioner.

Sec. 5. When any portion of said land has been classified to the satisfaction of the Commissioner, under the provisions of this act or former laws, such lands shall be subject to sale, but to actual settlers only, and in quantiles of not less than one hundred and sixty acres and in multiples thereof, nor more than six hundred and forty acres; provided, that when there is a fraction of less than one hundred and sixty acres of any section left, such fraction may be sold; but lands classified as purely pasture lands and without permanent water thereon may be sold in quantities not to exceed

four sections to the same settler, and in no event shall sale be made to a corporation, either foreign or domestic; and all sales to a settler shall be upon the express condition that any sale, transfer or conveyance of such land to a corporation, either immediate or remote, shall ipso facto terminate the title of the purchaser, and such land shall be forfeited to the State without re-entry, and become again a part of the particular fund to which it formerly belonged.

Sec. 6. It shall be the duty of the Commissioner of the General Land Office to notify in writing the county clerk of each county of the valuation fixed upon each section of land in his county, and in each county attached to it for judicial purposes, which he offers for sale, which notification shall be kept by the clerk in his office and recorded in a well bound book, which shall be open to public inspection.

Sec. 7. All lands belonging to the public free schools, university and the several asylum funds, shall be sold at not less than two dollars per acre. All sections of land having permanent water on, or bordering thereon shall be sold at not less than three dollars per acre, and no less than one hundred and sixty acres shall be sold, except in cases where a fractional part of a section less than one hundred and sixty acres is unsold, in which case the entire fractional part of such survey shall be sold; provided, that no watered portion of any section shall be sold unless there is permanent water on, or bordering on, the part of said section remaining unsold; and all timber land shall be sold at not less than five dollars per acre. By timber lands, as here used, is meant lands valuable chiefly for the timber thereon.

Sec. 8. Any bona fide actual settler who may reside on any part of the lands the sale of which is authorized by this act, at the time this act may go into effect, shall have the right, for a period of six months after the same shall have been appraised, to purchase such quantity of land as may be limited by this act, to include his improvements, upon complying with the provisions of this act regulating sales as in other cases, and such lands shall be appraised without reference to the improvements thereon; provided, that any bona fide settler who owns one section, and no more, prior to this enactment, shall have the right to purchase three dry and strictly pastoral sections, upon his making oath that

he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is directly or indirectly interested in the purchase of the same; provided, further, that any purchaser and actual settler upon any of the public free school, university and asylum lands, under any former law, who, for any cause, has failed to pay the principal and interest, or either, due the State upon such land, on the first day of August, A. D. 1886, and by reason of such failure or default such purchaser's land has or may be forfeited to the State, such purchaser shall have the prior right for six months from the date this act takes effect to purchase his said land, at such price as the unpaid principal at the time of default and the interest due thereon under such former purchase up to the time he purchases under this act shall aggregate. And such purchaser shall in all other respects be governed by the same penalties, restrictions and requirements enjoined by this act upon other purchasers and actual settlers.

Sec. 9. All sales shall be made by the Commissioner of the General Land Office, or under his direction, and he shall prescribe suitable regulations whereby all purchasers shall be required to reside upon, as a home, the land purchased by them, for three consecutive years next succeeding the date of their purchase. Such regulations shall require the purchaser to reside upon the land for the three consecutive years herein mentioned, and to make proper proof of such residence and occupancy to the Commissioner of the General Land Office within one year next after the expiration of said three years, by his affidavit, corroborated by the affidavits of three disinterested and credible citizens of the county, to be certified to by some officer of the county wherein the land is situated, authorized to administer oaths. Any person desiring to purchase land in accordance with the provisions of this act shall forward his application to the Commissioner, particularly describing the land sought to be purchased, which application shall, in all cases, be accompanied with the affidavit of the applicant, in effect that he desires to purchase the land for a home, and has in good faith settled thereon; and he shall also swear that he is not acting in collusion with others for the pur-

pose of buying the land for any other person or corporation, and that no other person or corporation is interested in the purchase save himself. The purchaser shall transmit to the Treasurer of the State one-fortieth of the aggregate purchase money for the particular tract of land and send to the Commissioner his obligation to the State, duly executed, and binding the purchaser to pay to the State, on the first day of August of each year thereafter, until the whole purchase money is paid, one fortieth of the aggregate price, with interest thereon from date at the rate of five per cent per annum on the whole unpaid purchase money, which interest shall also be payable on the first day of August of each year; and upon receipt of one fortieth of the purchase money by the Treasurer, and the affidavit and obligation aforesaid by the Commissioner, the sale shall be deemed and held effective from the date the affidavit and obligation are filed in the General Land Office; provided, that if the land applied for be timbered land, then the purchaser shall be required to pay the full amount of the purchase money at the time of his purchase.

Sec. 10. All purchasers shall have the option of paying the purchase money for their lands in full at any time after they have occupied the same for three consecutive years; and when they have made such payment in full, together with the proof that they have occupied the land and homestead for three consecutive years, they shall be entitled to receive patents for the same upon payment of the patent fees prescribed by law. Purchasers may also sell their lands at any time after sale is effected under this act, and in such cases the vendee, or any subsequent vendee, may file his own obligation with the Commissioner of the General Land Office, together with the duly authenticated conveyance or transfer, from the original purchaser, and the intermediate vendee's conveyance or transfer, if any there be, duly recorded in the county where the land lies, or to which it may be attached for judicial purposes, together with his affidavit stating that he desires to purchase the land for a home, and that he has in good faith settled thereon, and that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is interested in

the purchase save himself; and thereupon the original obligation may be surrendered or canceled, and the vendee shall become the purchaser direct from the State, and be subject to all the obligations and penalties prescribed by this act, and the original purchaser shall be absolved from further liability thereon; provided, that whenever a town shall be located and established upon any land sold under this or any former act, the purchaser or his vendee shall be permitted to pay the entire balance of principal and interest due the State upon such land, and obtain a patent therefor at any time; but no such payment shall be permitted or patent issue until such purchaser or owner of such land shall file in the General Land Office a certified plat of such town, made by the proper surveyor of the county, which shall be accompanied by the affidavit of the owner of such land, corroborated by the affidavit of five disinterested and credible citizens of the county, to the effect that a town, giving its name, has been located and established upon the land, and that there has been erected therein, and being occupied by bona fide citizens, twenty business or residence houses, or either or both.

Sec. 11. If upon the first day of August of any year the interest due on any obligation remains unpaid, the Commissioner of the General Land Office shall endorse on such obligation "land forfeited," and shall cause an entry to that effect to be made on the account kept with the purchaser, and thereupon said land shall be forfeited to the State, without the necessity of re-entry or judicial ascertainment, and shall revert to the particular fund to which it originally belonged and be resold under the provisions of this act or any future law; provided, if any purchaser shall die, his heirs or legal representatives shall have one year in which to make payment after the first of August next after such death; and if any purchaser shall fail to reside upon and improve in good faith the land purchased by him, he shall forfeit said land and all payments made thereon to the State, and such land shall be again for sale, as if no such sale and forfeiture had occurred; or if he shall fail to make the proof of occupancy within the time and in the manner prescribed by the regulations of the Commissioner of the General Land Office, as provided for in section (9) nine of this act, he shall in like man-

ner forfeit the land and all payments thereon to the State; and, provided, further, that nothing in this section contained shall be construed to inhibit the State from instituting such legal proceedings as may be necessary to enforce such forfeiture, or to protect any other right to such land, which suits may be instituted by the Attorney General, under the direction of the Governor, in the proper court of the county in which the land lies, or in the district court of Travis county, and jurisdiction of such causes is hereby expressly conferred on said courts.

Sec. 12. The Commissioner of the General Land Office shall retain in his custody, as records of his office, all applications, affidavits, obligations and all other papers relating to sales of said lands, and shall cause to be kept accurate accounts with each purchaser. All purchase money due upon lands, as well as accrued interest, and all other moneys arising from the sales or leases of said lands, shall be paid by the purchaser or lessee direct to the Treasurer of the State, who shall also cause an accurate account to be kept with each purchaser, and who shall execute duplicate receipts for all sums of money paid to him under the provisions of this act, one of which receipts shall be delivered to the purchaser or his agent, and the other transmitted to the Commissioner of the General Land Office.

Sec. 13. The Commissioner of the General Land Office shall adopt such regulations for the sale of the timber on timber lands as may be deemed necessary and judicious, such regulations to be subject to the approval of the Governor. Such timber shall not be sold for less than five dollars per acre, cash, except in such cases as the Commissioner may ascertain by definite examination of a State agent that any particular section is sparsely timbered or contains timber of but little value, in which case he shall be authorized to sell the timber on said section at the best price on the best terms practicable; provided, such timber is sold at not less than two dollars per acre; and in no case shall less than one section of timbered land be sold to any purchaser, except in cases of fractional sections, which may be sold under the provisions of this act; provided, that the purchaser shall have three years from the date of his purchase within which to remove the timber therefrom; and in case of failure so to do, such

timber shall be forfeited to the State without judicial ascertainment.

Sec. 14. The public lands, and all lands belonging to the public free school, asylum or university funds, shall be leased by the Commissioner of the General Land Office in accordance with the provisions of this act. Such leases shall be for a term of not more than five years, and the lessee shall pay an annual rental of four cents an acre for all pasture lands leased, which rental shall be paid each year in advance, the first payment to be made at the time the lease is executed; and if at the termination of the lease such land is still subject to lease, the lessee or lessees thereof, whose term of lease is expired, shall have the refusal of such land as he has been leasing, on the terms and at the price that may be fixed therefor by the Commissioner of the General Land Office. All leases shall be executed under the hand and seal of the Commissioner of the General Land Office, and shall be delivered to the lessee or his duly authorized agent, and such lease shall not take effect until the first annual rent is paid and the lease is duly filed for record in the county where the land lies, or to which it may be attached for judicial purposes, and it shall not be necessary for the Commissioner to acknowledge such lease before the same is placed on record.

Sec. 15. Any person desiring to lease any portion of the public lands, or the lands belonging to the several funds mentioned in this act, shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease; and thereupon the Commissioner, if satisfied the lands applied for are not in immediate demand for purposes of actual settlement, and that such lands can be leased without detriment to the public interest, shall notify the applicant in writing that his proposition to lease is accepted; and thereupon he shall execute and deliver to the lessee, and in the name and by the authority of the State, a lease of said land for such term as may be agreed upon, and deliver the same to such lessee, when satisfied that the lessee has paid to the Treasurer of the State the rent for one year in advance. No lands classified as grazing land under this act shall be subject to sale during the existence of such lease, and the possession thereof by the lessee shall not be disturbed during the term of such lease so long as the rents are

paid promptly in advance each year as required by this act. The lands classified as agricultural lands which may be leased under this act, shall be leased subject to sale as provided by this act, and whenever such leased lands may be purchased, the lessee shall give immediate possession to such purchaser; provided, that the lessee shall have a pro rata credit upon his next year's rent, or the money refunded to him by the Treasurer, as he may elect; provided, that no such sale shall be permitted where such lessee shall have previously placed improvements of the value of one hundred dollars upon such section of land so sought to be purchased; and provided, further, that no actual settler who shall purchase land within any leasehold shall be permitted to turn loose more than one head of cattle or horses for every ten acres of land purchased by him and unenclosed, or, in lieu thereof, four head of sheep or goats to every ten acres of land so purchased and unenclosed. Each violation of the provisions of this act which restricts the number of stock that may be turned loose on lands leased from the State shall be an offense, and the offender on conviction shall be punished by fine of not less than one dollar for each head of stock he may so turn loose, and each thirty days violation of the provisions of this section shall constitute a separate offense.

Sec. 16. All lessees shall pay the annual rents due for leased lands directly to the Treasurer of the State, who shall execute receipts in duplicate for each payment made by any lessee, one of which receipts shall be delivered to the lessee and the other transmitted to the Commissioner of the General Land Office. The Treasurer shall cause to be kept an accurate account with each lessee, and the Commissioner of the General Land Office shall file in his office all applications and other papers relating to leases, and keep a record of all leases made, which papers shall constitute a part of the records of his office.

Sec. 17. If any lessee shall fail to pay the annual rent due in advance for any year within sixty days after such rent shall become due, the Commissioner of the General Land Office may declare such lease canceled, by a writing under his hand and seal of office, which writing shall be filed with the papers relating to such lease, and thereupon said lease shall immediately terminate, and the lands so leased

shall become subject to purchase or lease, as the Commissioner may determine for the best interest of the State. And during the continuance of all leases, and after forfeiture, the State shall have a lien upon all the property upon the leased premises to secure the payment of all rents due, which lien shall be prior and superior to all other liens whatsoever, and it shall not be essential to the preservation or validity of such lien that it shall be reserved in the instrument of lease.

Sec. 18. It shall be unlawful for any person to fence, use, occupy or appropriate, by herding or line-riding, any portion of the public lands of the State, or of the lands belonging to any particular fund specified in this act, without having first obtained a lease of such lands in accordance with the provisions of this act. Any person, whether owner of stock, manager, agent, employe or servant, who shall fence, use, occupy or appropriate, by herding or line-riding, any portion of such lands without a lease thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than one hundred nor more than one thousand dollars, and in addition thereto shall be imprisoned in the county jail for a period of not less than three months nor more than two years. Each day of such fencing, using, occupying or appropriating, by herding or line-riding, shall be deemed a separate offense, and any person so offending may be prosecuted, by indictment or information, in the proper court of the county where any portion of the land lies or to which it may be attached for judicial purposes, or in the county of Travis, and jurisdiction of such offenses is hereby vested in said courts; and in case any indictment or information is preferred or filed against a non-resident of this State for a violation of this section, it shall be the duty of the Governor to demand the extradition of the defendant from the proper officer of any State or Territory where he may be found, in order that he may be brought to trial. "Fencing," within the meaning of this act, is the erection of any structure of wood, wire, or both, or any other material intended to prevent the passage of cattle, horses, mules, asses, sheep, goats or hogs, whether the same shall enclose land on all sides or be erected on one or more sides. Any appropriation of land belonging to any particular fund specified in this act, or of the

public lands of this State, without first having obtained a lease thereof, by fencing of any kind, or by enclosures consisting partly of fencing and partly of natural obstacles, or impediments to the passage of live stock, shall be deemed an unlawful appropriation, punishable as provided in this section for appropriating such lands, and each day said land is so appropriated shall be deemed a separate offense.

Sec. 19. The provisions of this act as set forth in the preceding section, shall not apply to persons who are moving, or gathering, or holding for shipment any stock mentioned in said article. Provided, the said persons have not erected any fence on such lands, or continue on said lands longer than one week.

Sec. 20. All enclosures of or fences upon any portion of the public lands, or the lands belonging to the public free school, asylum or university funds, without lawful authority, shall be removed within sixty days from the time this act shall take effect. If the Governor is informed at any time, upon the affidavit of some credible person, that any portion of the public lands, or lands belonging to the public free school, asylum or university funds, have been enclosed, or that fences have been erected thereon, without authority of law, he is authorized, in his discretion, to direct the Attorney General to institute suit in the name of the State for the recovery of such land, and damages for the use and occupation of such land, and the removal of such enclosures and fences. Such suit may be instituted in the district court of any county where the land, or a portion thereof, is situated, or in the district court of Travis county; and upon application of the Attorney General, and without affidavit or bond, the clerk of the court in which suit is instituted shall issue a writ of sequestration, directed to any sheriff of the State of Texas, commanding and requiring such officer to take such land and all property thereon into his actual custody, and the same hold subject to the further orders of the court. Such writ of sequestration may be executed by any sheriff of the State into whose hands it may be delivered, and it shall be the duty of any sheriff into whose hand it may come, to proceed and execute such writ, and the Governor is required, in his discretion, to furnish such sheriff with the necessary force of volunteer militia or other military force of the

State to accomplish the purposes of the writ and to execute the process of the court. The defendant in such writ may replevy, as in ordinary cases, by giving bond as prescribed by law, and such cases shall have precedence on the docket, and stand for trial before all other causes; and in case judgment is recovered by the State in such suit the court shall order such enclosures or fences to be removed, and shall tax the costs of suit, including the cost of the military force, if any, against the defendant; and all the property found upon the land belonging to the defendant shall be liable for such costs and damages in addition to the personal liability of the defendant. Appeals may be prosecuted from all judgments in such cases, as in ordinary cases, except that the State shall not be required to give bond to protect its appeal, and such cases on appeal shall have precedence over all other causes.

Sec. 21. It shall be unlawful for any person or corporation who may have used any of the lands, by joining fences or otherwise, to build or maintain more than three miles lineal measure of fence, running in the same general direction, without a gateway in same, which gateway must be at least ten feet wide, and shall not be locked or kept closed so as to obstruct free ingress and egress. Provided, that all persons who have fences already constructed in violation of the provisions of this act shall have two months from the time this act takes effect within which to conform with the provisions hereof. Provided further, if any person or persons shall build or maintain more than three miles lineal measure running in the same direction, without providing such gateway, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars nor more than one thousand dollars, and each day that such fence remains without such gateway shall constitute and be punished as a separate offense. Provided further, that the construction of gates as provided for in this section shall apply only to pasture lands. Provided further, when herds of cattle, horses, sheep or goats are driven through this State from one place to another place in this State, and it becomes necessary for such stock to pass through any enclosed pasture of any person who has leased any of the aforesaid lands, such lessee of such enclosure shall per-

mit such stock to pass through such pasture. Provided, the owner of such stock so driven through any such enclosure shall move the same as expeditiously and with as little delay as practicable through such enclosure.

Sec. 22. The Commissioner of the General Land Office, under the direction of the Governor, may withhold from lease any agricultural lands necessary for purposes of settlement, or, in his discretion, he may lease such agricultural lands in small quantities for a less period than five years, as the public interest and development of the country may seem to require; and no agricultural lands shall be leased if in the judgment of the Commissioner they may be in immediate demand for settlement, but such lands shall be held for settlement and sold to actual settlers only, under the provisions of this act, and all sections or fractions of sections in all counties organized prior to the first day of January, 1875, except El Paso, Pecos and Presidio counties, which sections are detached and isolated from other public lands, may be sold to any purchaser except to a corporation, at not less than two dollars per acre, upon such terms as the Commissioner of the General Land Office may prescribe.

Sec. 23. The sum of eighty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the several funds belonging to the public free schools, asylums and university, to pay the expenses of executing this act, which sum shall be apportioned between said funds according to their respective interests and the work necessary to be done, and shall be expended by the Commissioner of the General Land Office, with the approval and under the direction of the Governor.

Sec. 24. Leaseholds created under the provisions of this act shall be exempt from all taxation.

Sec. 25. Nothing in this act shall be construed to impair, interfere with, or in any manner affect any lease or sale, or the rights growing out of the same, made under former laws, of the lands herein referred to; provided, that any person or persons who have heretofore leased lands from this State at prices fixed by the Land Board, and whose leases are not yet expired, shall have their rental for the remainder of their unexpired term reduced to the prices charged under this bill for the lease of similar lands.

Sec. 26. All laws and parts of laws

in conflict with this act are hereby repealed; and the Secretary of the Land Board is hereby authorized and directed immediately upon the passage and approval of this act to deposit with the Commissioner of the General Land Office all the books, papers and records belonging to or pertaining to said Land Board, and such books, papers and records shall hereafter constitute a part of the records of the General Land Office.

Approved April 1, 1887.

Takes effect ninety days after adjournment.

CHAPTER C.

S. B. No. 116.

Corporations for deep water channels.

An act to amend title 20 of the Revised Civil Statutes of the State of Texas, entitled private corporations, by adding another chapter thereto, to be styled chapter 14, authorizing the construction, owning and operating deep water channels and docks.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That title 20 of the Revised Civil Statutes of the State of Texas be and the same is hereby amended by adding thereto the following chapter.

CHAPTER FOURTEEN.

Article 644a. This title shall embrace and include the creation of private corporations for the purpose of constructing, owning and operating deep water channels from the waters of the Gulf of Mexico along and across any of the bays on the coast of this State to the mainland, for the purposes of navigation and transportation, and for the construction, owning and operating docks on the coast of this State for the protection and accommodation of ships, boats and all kinds of vessels for navigation, and their cargoes.

Article 644b. Every such channel corporation shall, in addition to the powers herein conferred, have power:

1. To cause such examination and survey for its proposed channel to be made as may be necessary to the selection of the most advantageous route for such purpose, by its officers, agents or servants, to enter upon any of the waters of such bays, and upon any of the lands of this State or of any person.

2. To take and hold such voluntary grant of real estate and other property as shall be made to it to aid in the

construction and maintenance of its deep water channel, and works pertinent thereto.

3. To construct its channel across, along, through or upon any of the waters of the bays within the jurisdiction of this State, and so far into the mainland as may be necessary to reach a place for its docks that will afford security from cyclones, storms, swells and tidal waves, with such depth as may suit its convenience and the wants of navigation, not less than ten feet, and a width of not less than forty feet.

4. To furnish to vessels and boats, adapted to the purpose, facilities for navigating in and along the entire length of the channel, and to charge and collect a toll therefor, to be prescribed and established by its by-laws, not to exceed one cent per barrel bulk of the capacity of each vessel, for each mile of the length of its channel used by the vessel going either way.

5. To borrow such sums of money as may be necessary for constructing, finishing or operating its channel, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted for the purposes aforesaid; provided, that damages for any property appropriated by such corporation shall be assessed and paid for as is provided for in case of railroads.

6. To enter upon and condemn and appropriate any lands of any person or corporation that may be necessary for the uses and purposes of such channel corporation; the damages for any property thus appropriated to be assessed and paid for in the same manner as provided by law in the case of railroads; provided, that no damages shall be assessed against or paid by it for any portion of the route of its channel embraced within and covered by the waters of any bay on the coast of this State, nor for any portion of any island belonging to the State, that may be requisite and necessary to the construction and successful operation of its channel; and provided further, that its right of way shall be the actual width of its channel and not more than three hundred feet in width on each side of it; provided, that when the land sought to be condemned under this act is arable land such right of way shall not extend further than one hundred and fifty

feet on each side from the edge or boundary of said channel.

7. To construct own and operate its channel so far into the waters of the Gulf of Mexico as may be necessary to obtain an adequate depth of water at its gulf entrance to facilitate the ingress and egress of such vessels as may navigate the same in so far as this State may have the power to grant such right, which shall be in subordination to that of the government of the United States in as far as that government has the constitutional power to control the same.

Article 644c. Every such dock corporation shall, in addition to the powers heretofore conferred, have power:

1. To purchase, take and hold such land or real estate as shall be necessary for the construction and operation of its docks, approaches, entrances, moorings and ways; and the construction, use and enjoyment of such warehouses, stores and sheds as may be necessary to the receiving and discharging of freights, goods, wares and merchandise, and the proper protection and preservation thereof; provided, that no such dock corporation shall ever have the right or power to take or condemn to its use any private property without the free consent of the owner thereof, expressed by a sufficient deed in writing.

2. To construct its dock or docks in such manner and of such size and depth as it may deem meet and proper to suit the convenience of such vessels as may see fit to use and occupy the same, and to collect from the vessels using the same, or from their masters, owners or consignees, such sum or sums for the use thereof as may be authorized by its by-laws and agreed to by such masters, owners or consignees.

3. To borrow such sums of money as may be necessary for constructing, completing or operating its dock or docks, and to issue and dispose of its bonds for such amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted for the purposes aforesaid.

Article 644d. Every such corporation shall, in addition to the powers heretofore conferred, have power:

1. To purchase, take and hold such land or real estate as shall be necessary for the construction, maintenance and operation of its harbor approaches,

entrances and ways thereto, and the construction of wharves, piers and warehouses.

2. To construct, own and maintain its harbor by building piers and breakwaters so far into the gulf as may be necessary to obtain sufficient depth of water to facilitate the ingress and egress, and the safety while in port of such vessels as may enter the same, in so far only as the State may have the power to grant such right, which, however, shall be exercised subject and in subordination to the government of the United States in as far as it may have constitutional power to control the same.

3. To provide facilities to vessels and boats entering its harbor for anchorage, receiving and discharging cargoes and passengers, and to charge and collect fair and reasonable tolls and wharfage therefor, to be prescribed by its by-laws.

4. To borrow money in such amounts and on such terms as may be necessary for constructing and finishing or operating its harbor or piers, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate franchises to secure the payment of any debt contracted for the purposes aforesaid.

Article 644e. For each and every charter, amendment or supplement thereto, taken out under this chapter, a fee of one hundred dollars shall be paid to the Secretary of State, for the use and benefit of the State, which shall be paid when the charter, amendment or supplement thereto, is filed for record.

Article 644f. All rates, tolls or charges made by any corporation formed under the provisions of this act shall be subject to the right of the Legislature from time to time to alter, revise, change or amend.

Sec. 2. Whereas, the near approach of the close of this session makes it improbable that this bill can receive its necessary reading on three several days, therefore an imperative public necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so suspended.

Approved April 1, 1887.

Takes effect ninety days after adjournment.

CHAPTER CI.

S. B. No. 91.

Appeals.

An act to amend Article 849, chapter 1, title 10, of the Code of Criminal Procedure of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 849, chapter 1, of title 10, of the Code of Criminal Procedure of the State of Texas, be so amended as to hereafter read as follows:

Art. 849. The effect of an appeal is to suspend and arrest all further proceedings in the case in the court in which the conviction was had until the judgment of the appellate court is received by the court from which the appeal was taken; provided, that in cases where, after notice of appeal has been given, the record or any portion thereof is lost or destroyed, it may be substituted in the lower court, if said court be then in session, and when so substituted the transcript may be prepared and sent up as in other cases. In case the court from which the appeal is taken be not then in session, the Court of Appeals shall postpone the consideration of such appeal until the next term of said court from which said appeal was taken, and the said record shall be substituted at said term, as in other cases.

Sec. 2 Emergency clause.

Approved April 1, 1887.

Takes effect ninety days after adjournment.

CHAPTER CII.

H. B. No. 548.

Registration.

An act to amend article 4333 of the Revised Civil Statutes as amended by an act approved March 30, 1881.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 4333 of the Revised Statutes, as amended by an act approved March 30, 1881, be so amended as to read hereafter as follows:

Art. 4333. All deeds, conveyances, mortgages, deeds of trust, or other written contracts relating to real estate, which are authorized to be recorded, shall be recorded in the county where such real estate or a part thereof is situated; provided, that all such instruments, when relating to real estate situated in an unorganized county shall be recorded in the county to which such unorganized county is attached for judicial purposes, in a well bound book, or books, to be kept for that purpose, separately from the records of the county to which it is at-

tached and from other unorganized counties; and it shall be the duty of the clerk or other officer having the custody of such books, when such unorganized county shall be organized, or has been detached therefrom and attached to another county for judicial purposes, to deliver such book or books, without charge, to the proper officer of such newly organized county, or of the county to which it is attached for judicial purposes, when demanded by him; and where such records have been heretofore kept in separate books, they shall also be delivered in like manner as above, and in each case the same shall become archives of the county to which it is so delivered. Where such records have not heretofore been kept separately, upon the organization or attachment of such unorganized county to another organized county, a certified transcript from the records of such instruments so recorded shall be obtained by such new clerk or officer, and when so made the same shall in like manner become archives of such newly organized county, or county to which such unorganized county may be attached, as the case may be.

Sec. 2. Emergency clause.

Approved April 1, 1887.

Takes effect ninety days after adjournment.

CHAPTER CIII.

H. B. No. 387.

Sutton and Schleicher counties created.

Sec. 1. Creates Sutton and Schleicher counties out of Crockett county, and declares boundaries thereof.

Sec. 2a. Attaches Sutton to Kimble county for judicial and surveying purposes, and to the twenty-eighth senatorial, eighty-fourth representative and tenth congressional districts.

Sec. 2b. Attaches Schleicher to Menard county for judicial and surveying purposes, and to the twenty-eighth senatorial, eightieth representative and tenth congressional districts.

Sec. 3. Emergency clause.

An act to create the counties of Sutton and Schleicher from the county of Crockett.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 73 yeas, no nays; and passed the Senate by a vote of 26 yeas, no nays.]

Approved April 1, 1887.

Took effect from and after its passage.

CHAPTER CIV.

S. B. No. 117.

Local option.

An act to amend Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236 and 3238, of title 63, of the Revised Civil Statutes of the State of Texas, and to add Article 3239a to said title, providing for contesting an election under the local option law.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236 and 3238, of title 63, of the Revised Civil Statutes of the State of Texas, be so amended as to read as follows—and that title 63 of said Revised Statutes be amended by adding thereto Article 3239a, which shall read as follows:

Art. 3227. The commissioners' court of each county in the State, whenever they deem it expedient, may order an election to be held by the qualified voters of said county, or of any justice's precinct, town or city therein, to determine whether or not the sale of intoxicating liquors shall be prohibited in such county, justice's precinct, town or city; provided, it shall be the duty of said commissioners' court to order the election aforesaid whenever petitioned to do so by as many as two hundred voters in any county, or fifty voters in any justice's precinct, town or city, as the case may be.

Art. 3228. The preceding article shall not be construed to prohibit the sale of wines for sacramental purposes, nor alcoholic stimulants as medicines in cases of actual sickness, but such stimulants shall only be sold upon the prescription of a regular practicing physician, written in ink, dated and signed by him, and certified on his honor that he (the physician) has personally examined the applicant (naming him), and that he finds him actually sick and in need of the stimulant prescribed as a medicine; provided, that a physician who does not follow the profession of medicine as his principal and usual calling, or who is in any way, directly or indirectly engaged or interested in the sale of such stimulants, on his own account, or as the agent, employe or partner of others, shall not be authorized to give the prescription provided for in this article; and provided, further, that no person shall be permitted to sell more than once on the same prescription,

nor shall any person be permitted to sell at all on the prescription of a physician not herein authorized to give it, nor on a prescription which is not dated, signed and certified as above required; provided, that every person selling such stimulants upon the prescription herein provided for shall cancel such prescription by endorsing thereon the word "canceled," and file the same away.

Art. 3229. When the commissioners court, of their own motion, or upon the petition provided for in Article 3227, shall order the election as herein provided for, it shall be the duty of said court to order such election to be held at the regular voting place or places, within the proposed limits, upon a day not less than fifteen nor more than thirty days from the date of said order, and the order thus made shall express the object of such election, and shall be held to be prima facie evidence that all the provisions of law necessary to give it validity or to clothe the court with jurisdiction to make it have been fully complied with.

Art. 3230. The clerk of said court shall post, or cause to be posted, at least five copies of said order at different places within the proposed limits, for at least twelve days prior to the day of election, which election shall be held and the returns thereof made in conformity with the provisions of the general election laws of the State, and by the officers of election appointed and qualified under such laws.

Art. 3233. Said court shall hold a special session on the eleventh day after the holding of said election, or as soon thereafter as practicable, for the purpose of opening the polls and counting the votes; and if a majority of the votes cast are "For Prohibition," said court shall immediately make an order declaring the result of said vote, and absolutely prohibiting the sale of intoxicating liquors within the prescribed limits, except for the purposes and under the regulations specified in this title, until such time as the qualified voters therein may at a legal election held for that purpose by a majority vote decide otherwise. And the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election, and in counting and returning the votes and declaring the result thereof.

Art. 3234. The order of court declaring the result, and prohibiting the sale of such liquors, shall be published for four successive weeks in some newspaper published in the county wherein such election has been held, which newspaper shall be selected by the county judge for that purpose. If there be no newspaper published in the county, then the county judge shall cause such publication to be made by posting copies of said order at three public places within the prescribed limits for the aforesaid length of time. The fact of publication in either mode shall be entered by the county judge on the minutes of the commissioners court; and entry thus made, or a copy thereof certified under the hand and seal of the clerk of the county court, shall be held sufficient prima facie evidence of such fact of publication.

Art. 3236. No election under the preceding articles shall be held within the same prescribed limits in less than two years after an election under this title has been held therein; but at the expiration of that time the commissioners court of each county in the State, whenever they deem it expedient, may order another election to be held by the qualified voters of said county, or of any justice's precinct, town or city therein, for the same purpose; provided, it shall be the duty of such court to order the election aforesaid whenever petitioned to do so by as many as two hundred voters in any county, or fifty voters in any justice's precinct, town or city, as the case may be, to order an election for the same purpose, which election shall be ordered held, notice thereof given, the votes returned and counted, and the result declared and published, in all respects as provided by this title for a first election; and the order granting such other election, as well as that declaring the result, shall, if prohibition be carried, have the same force and effect, and the same conclusiveness, as are given to them in the case of a first election by the provisions of this title.

Art. 3238. The failure to carry prohibition in a county shall not prevent an election for the same from being immediately thereafter held in a justice's precinct, town or city of said county; nor shall the failure to carry prohibition in a town or city prevent an election from being immediately thereafter held for the entire justice's precinct or county in which

said town or city is situated; nor shall the holding of an election in a justice's precinct in any way prevent the holding of an election immediately thereafter for the entire county in which such justice's precinct is situated; but when prohibition has been carried at an election ordered for the entire county, no election on the question of prohibition shall be thereafter ordered in any justice's precinct, town or city of said county until after prohibition has been defeated at a subsequent election for the same purpose, ordered and held for the entire county, in accordance with the provisions of this title; nor in any case where prohibition has been carried in any justice's precinct shall an election on the question of prohibition be ordered thereafter in any town or city in such precinct until after prohibition has been defeated at a subsequent election ordered and held for such entire precinct.

Art. 3239a. At any time within thirty days after the result of the election has been declared, any qualified voter of the county, justice's precinct, town, or city in which such election has been held, may contest the said election in any court of competent jurisdiction, in such manner as has been or may hereafter be provided; and should it appear from the evidence that the election was illegally or fraudulently conducted; or that by the action or want of action on the part of the officers to whom was intrusted the control of such election, such a number of legal voters were denied the privilege of voting, as had they been allowed to vote might have materially changed the result; or if it appears from the evidence that such irregularities existed as to render the true result of the election impossible to be arrived at, or very doubtful of ascertaining, the court shall adjudge such election to be void, and shall order the proper officer to order another election to be held, and shall cause a certified copy of such judgment and order of the court to be delivered to such officer upon whom is devolved by law the duty of ordering such election.

Approved April 1, 1887.

Takes effect ninety days after adjournment.

CHAPTER CV.

H. B. No. 355.

Department of Agriculture, Insurance, Statistics and History.

An act to create a Bureau of Agri-

culture for the State of Texas, and to add it to the Department of Insurance, Statistics and History; to properly designate said department and its head, and to prescribe the duties belonging to it relating to agriculture.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That there is hereby created a Bureau of Agriculture for the State of Texas, and attached to the Department of Insurance, Statistics and History, which department shall hereafter be known as the Department of Agriculture, Insurance, Statistics and History, the head or chief officer of which department shall be styled the Commissioner of Agriculture, Insurance, Statistics and History.

Sec. 2. The present Commissioner of Insurance, Statistics and History shall assume the title named in the foregoing section as his official designation; he shall change the seal of his department so as to conform thereto, by inserting in it the words "Department of Agriculture, Insurance, Statistics and History of the State of Texas," or an intelligible abbreviation thereof; and shall at once assume, in addition to his present duties, those imposed by this act relating to agriculture, and shall have the power to appoint a clerk, or clerks, as the additional labor of his department may require; provided, no clerk so appointed shall receive more than twelve hundred dollars per annum.

Sec. 3. The Commissioner shall be ex officio a member of the Board of Directors of the Agricultural and Mechanical College of the State, and shall be allowed pay for all necessary expenses in attending on its meetings. His connection with said Board of Directors shall date from the time the first vacancy occurs after this act becomes a law.

Sec. 4. The Commissioner shall, at as early a day as practicable, place his department in correspondence with the Department of Agriculture at Washington City, and with the Departments of Agriculture of the several States and Territories of the United States, and, at his option, with those of foreign countries and the representatives of the United States in foreign countries, with the view to gathering facts and information that will aid and advance the interest of agriculture in Texas; he may also, for the same purpose, open correspondence with such organizations, societies and associations in the State, having for their

object the promotion of agriculture in any of its branches, as he may choose, as well as such individuals as he may select in various parts of the State.

Sec. 5. It shall be the duty of the Commissioner to arrange and adopt some plan for collecting and publishing agricultural and farm statistics, in connection with his annual report, in such form and numbers as he may deem best or the condition of the department will permit; and to that end he shall, before the first day of January in each year, furnish the tax assessors of the several counties in the State with the necessary blanks, together with such instructions as will properly direct them in that work.

Sec. 6. It shall be the duty of tax assessors, when listing property for taxes, to also call on all tax payers in their respective counties for necessary facts and information for filling out the blanks; they shall receive such compensation for this service as may be allowed by the commissioners' court, one-half to be paid by the State and one-half by the county, to be paid in the same manner that the fees for assessing State and county taxes are now paid; and when any assessor fails or refuses to comply with the provisions of this act and the instructions of the Commissioner, the Comptroller shall, on notice from the Commissioner, withhold the pay due such assessor for assessing the State taxes of his county until notified by the Commissioner that such assessor has complied with the law.

Sec. 7. The annual reports of the Commissioner shall be distributed through the State, and in such manner as the Commissioner may deem best; and he may, whenever the means of the department will allow and the interest of agriculture requires, take the necessary steps for publishing semi-annual or quarterly reports of the condition of the crops, stock, and other matters relating to this department, and distribute the same in such manner as he may think will best promote the public good.

Sec. 8. Emergency clause.

Approved April 1, 1887.

Takes effect ninety days after passage.

CHAPTER CVI.

H. B. No. 602.

Land districts.

Sec. 1. Martin, Andrews and Gaines counties to constitute Martin land district—Surveyor of, etc.

Sec. 2. Scurry, Kent and Garza to constitute Scurry land district—Surveyor of, etc.

Sec. 3. Crosby, Dickens, Motley, Floyd, Hale, Llano, Bailey, Cochran, Hockley and Lubbock to constitute Crosby land district—Surveyor of, etc.

Sec. 4. Knox and King to constitute the Knox land district—Surveyor of, etc.

Sec. 5. Duty of Commissioner of Land Office to supply district surveyors with maps, field notes, etc.

Sec. 6. Repealing clause.

Sec. 7. Emergency clause.

An act to create the Martin, Scurry, Crosby and Knox land districts.

[NOTE.—The foregoing act originated in the House and passed the same by a vote of 76 yeas, no nays; and passed the Senate by a vote of 24 yeas, no nays.]

Approved April 1, 1887.

Took effect from and after its passage.

CHAPTER CVII.

S. S. B. No. 200.

Greer county—For cancellation of patents in, etc.

An act to authorize the holders and owners of patents issued to lands in Greer county and other reservations to surrender their patents for cancellation, and to authorize the commissioner to issue new certificates in such cases.

Whereas, many patents have been issued, by virtue of veteran certificates, to lands in Greer county; and whereas said lands were located under the construction by the commissioner of the General Land Office of the act reserving from location the lands embraced within the territorial limits of the county of Greer: Therefore,

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the commissioner of the General Land Office be and is hereby authorized and required to issue a certificate to the patentee or assignee of each patent issued to lands in Greer county and other reservations by virtue of veteran certificates; and said certificates shall be issued upon the conditions hereinafter provided.

Sec. 2. The said certificate shall in all cases issue to the owner of the patent, whether the owner be the original grantee, the patentee, or the assignee; but the said owner shall first file with the Commissioner of the General Land Office a complete chain of title from the original grantee, and

said owner shall also surrender his patent to the Commissioner of the General Land Office, whose duty it shall be to cancel said patent and the certificate by virtue of which it issued; provided, that nothing in this act shall be construed as requiring or authorizing the Attorney General to dismiss any suit now pending for the cancellation of said patents, nor to prevent him from bringing other suits for such purposes.

Sec. 3. The certificates hereinbefore provided to be issued shall be for the same quantity of land as called for in the patent canceled, and shall be located in the same manner and way as veteran donation certificates issued under the veteran act of 1881 could be located, and patented as in other cases; and the Commissioner of the General Land shall charge no fees for the issuance of the certificates and patents: Provided, if no appropriated public domain can be found on which to locate said certificates, the parties to whom said certificates are issued shall have no further claim upon the State by reason of any thing contained in this act; and provided further, that this provision shall be incorporated on the face of each certificate; provide, that said certificates shall not be located on any lands heretofore forfeited, or that may hereafter be forfeited, to the State by any railroad company, nor any of the lands that are or may be reserved from location; and provided that said patents be returned to the Land Commissioner and be by him canceled, and new certificates be issued therefor as hereinbefore provided, on or by the first day of January, 1888, and no new certificates shall be issued after that time.

Sec. 4. The near approach of the close of the present session of the Legislature and the doubtful validity of patents issued to lands in Greer County, creates an imperative public necessity and an emergency that the constitutional rule requiring that all bills be read on three several days be suspended, and that it shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, 3 nays; and passed the House by a vote of 62 yeas, 13 nays.]

Approved April 1, 1887

Took effect from and after its passage.

CHAPTER CVIII.

S. B. No. 225.

Costs and security therefor.

An act to amend article 1420, chapter 20, title 29, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 1420, chapter 20, title 29, of the Revised Civil Statutes, be so amended as to hereafter read as follows:

Art. 1420. Each party to any suit shall be responsible to the officers of the court for the costs incurred by himself; and no sheriff or constable shall be compelled to execute any process in civil cases coming from any county other than the one in which he is an officer, unless the fees allowed him by law for the service of such process shall be paid in advance; provided, that when affidavit is filed, as provided for in article 1438 of this chapter, the clerk issuing the process shall endorse thereon the words "pauper oath filed," and sign his name officially below them, and the sheriff or constable in whose hands such process is placed for service shall serve the same as in other cases.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CIX.

S. B. No. 191.

For the appointment of pro tem district and county clerks.

Sec. 1. For the appointment of clerks pro tem in cases where clerks are interested.

Sec. 2. Prescribing bond and oath for such appointees.

Sec. 3. Duties of persons so appointed.

Sec. 4. Emergency clause.

An act to provide for the appointment of district and county clerks pro tem in certain cases.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CX.

S. B. No. 134.

Private corporations.

An act to amend Article 568, title 20, chapter 2, of an act to adopt and establish the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 568 of title 20, chapter 2, of an act to adopt and establish the Revised Civil Statutes of the State of Texas, be and the same is amended so as to hereafter read as follows:

Art. 568. The charter of an intended corporation must be subscribed by three or more persons, two of whom at least must be citizens of this State, and must be acknowledged by them before an officer duly authorized to take acknowledgments of deeds; provided, that all charters for the purposes named in clauses 2 and 3 of Article 566 of this chapter and title may be subscribed by married women, who may also be stockholders, officers and directors thereof; and their acts, contracts and deeds shall be as binding and effective for all the purposes of said corporation as if they were males, and the joinder and consent of their husbands and privy examinations separate and apart from them shall not be required.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXI.

S. S. B. No. 195.

Regulating tide water fishing.

An act to regulate the time and manner of taking and catching fish, oysters, crabs and shrimp, within the limits of the bays and tributaries within the limits of Texas, up to tide water, and also from the waters of the gulf of Mexico along the coast of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That it shall not be lawful for any person or persons to take, capture, or catch fish in the waters of any of the bays or any of the tributaries of tide water within the limits of Texas, or from the waters of the Gulf of Mexico along the coasts of Texas, by seines, drag nets, set nets, fish baskets, fish pots, weirs, pound nets, fykes, or any other means or contrivance whatsoever, which is now known or used in the capturing or destroying of fish, or which may hereafter be invented for that purpose, to empty their seines, drag nets, set nets, fish baskets, fish pots, weirs, pound nets, fykes or other means or contrivance used, or which may hereafter be used, for capturing and catching

ing fish, on the beach or shores, at any time whilst so fishing, as to leave the smaller fish to perish, but to empty the same in water of sufficient depth that the smaller fish may live and grow. Provided, that all fish not over eight inches in length shall be emptied back into water of sufficient depth to live and grow, croakers excepted.

Sec. 2. That any person who is an actual bona fide citizen of the State may pre-empt, within any of the bays, bayous and tide water tributaries situated in this State, five hundred and thirty-eight yards square, and fence off or stake off the same for the purpose of planting oyster beds; and such person so staking off or fencing as aforesaid shall be protected in his possession thereof against trespass thereon in like manner as freeholders are protected in their rights, and shall have ownership for twelve years after so staking or fencing off, and filing with the county clerk his pre-emption. Provided, that no person, firm or corporation shall pre-empt within the waters of this State under this act nearer than the extreme low water mark in front of the shore or water front of another without the consent of the owner of such shore or water front. And, provided further, that this act shall not in any manner whatever affect or interfere with the riparian proper right of land owners.

Sec. 3. That it shall not be lawful for any person or persons to take, capture or catch oysters within any of the waters that are free within the limits of this State, by any means whatever, from the first day of May to the twenty-fifth day of August. And provided, that no oyster less than one and one-half inches in length "net" shall be caught or offered for sale.

Sec. 4. That it shall not be lawful for any person or persons to take, capture or catch, by any means whatever, within any of the waters of this State, and offer them for sale, either crab or shrimp, except those that are grown; and whenever, in capturing or catching crabs and shrimps, any caught not grown shall be emptied back into water of sufficient depth that they may live and grow.

Sec. 5. That any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars. Provided, that all fines so collected shall be paid into the

common school fund fund in each county where such conviction is had.

Approved April 2, 1887.

Takes effect ninety days after its passage.

CHAPTER CXII.

S. B. No. 268.

Trial of right of property.

An act to amend Articles 4823 and 4843 of the Revised Civil Statutes of the State of Texas, in relation to trials of the right of property.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Articles 4823 and 4843 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Art. 4823. He shall also execute and deliver to the officer who made such levy, his bond, with two or more good and sufficient sureties, to be approved by such officer, payable to the plaintiff in such writ, for an amount equal to double the value of the property so claimed to be assessed by such officer. Provided, however, that when more than one writ has been levied said bond may be made payable to all the plaintiffs in the several writs levied. Said bond shall inure to the benefit of all the plaintiffs in the several writs according to their respective priorities in time of levy. Upon the approval of such bond and delivery of the property to the claimant, the same shall be deemed in *custodia legis*, and shall not be taken out of his possession by any other like writ or writs, but said writs may be levied on the same by giving notice to the claimant, and in such cases the claimant's bond shall also inure to the benefit of the several plaintiffs in such writs according to their respective priorities.

Article 4843. In all cases where any claimant of property under the provisions of this title shall fail to establish his right thereto, judgment shall be rendered against him and his sureties for the value of the property, with legal interest thereon from the date of such bond. Such judgment shall be rendered in favor of the plaintiff in the writ, or of the several plaintiffs if more than one, and shall fix the amount of each plaintiff's claim; and in case such judgment should not be satisfied by a return of the property, as provided in Article 4845, then execution shall issue thereon in the name of the plaintiff for the amount of his claim, or of all the plaintiffs for the

sum of their several claims, provided the amount of such judgment exceed such claim or sum; and in such cases the excess of such judgment shall inure to the benefit of any person who shall show superior right or title to the property claimed, as against the claimant; but if such judgment be for a less amount than the sum of the several plaintiffs' claims, then the respective rights and priorities of the several plaintiffs shall be fixed and adjusted in the judgment.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXIII.

S. B. No. 222.

Skinning cattle, etc.

Sec. 1. Amends Article 765, chapter 13, title 17, Penal Code, prescribing penalties for skinning cattle, etc.

At act to amend Articles 765, title 17, chapter 13, of the Penal Code of the State of Texas, and to add thereto Articles 765a and 765b.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 765, of title 17, chapter 13, of the Penal Code of the State of Texas, be amended, so as to read hereafter as follows:

Article 765. If any person shall remove the hide, or any part thereof, from any cattle not his own, and without the consent of the owner, he shall be fined in a sum not less than twenty nor more than one hundred dollars; and the removal of each separate hide from each animal shall constitute a separate offense.

Article 765a. If any person shall be found in possession of any hide of any cattle not his own, and possession of said hide is obtained without the consent of the owner or his legal representative, he shall be fined in a sum not less than twenty nor more than one hundred dollars.

Article 765b. If any person be found in possession of any hide of any cattle with brand cut out or disfigured, and shall offer the same for sale, he shall be fined in a sum not less than twenty nor more than one hundred dollars, and the possession and offer of sale of each hide with the brand cut out or disfigured shall constitute a separate offense; provided, that nothing in this act shall prevent any person who shall be guilty of the offense of theft of such hide from being prosecuted and convicted for such offense.

Approved April 2, 1887.
Takes effect ninety days after adjournment.

CHAPTER CXIV.

S. B. No. 284.

Fifth judicial district.

Sec. 1. Prescribing counties comprised in said district, and terms of court therein.

Sec. 2. Repealing clause.

Sec. 3. Emergency clause.

An act to amend section 5 of an act approved February 6, 1884, entitled "An act to amend sections 5, 7, 26 and 39, of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

[Note.—The foregoing act originated in the House and passed the same by a vote; and passed the Senate by a two-thirds vote.]

Approved April 2, 1887.

Took effect from and after its passage.

CHAPTER CXV.

H. B. No. 569.

Public lands; correction of surveys.

An act to provide for ascertaining and correcting conflicts and errors in surveys of lands made for the common school, university or asylum funds, or other lands in which the State may be interested, to provide for the resurvey of same, and for patenting and repatenting surveys in certain cases.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That for the purpose of ascertaining the conflicts and errors in and making proper corrections of surveys of lands made for the common school, university or asylum funds, or other surveys in which the State may be interested, directly or indirectly, in cases where from discrepancies or imperfections in field notes it may become necessary for the proper compilation of maps, or for the proper location and identification of said lands upon the ground, the Commissioner of the General Land Office is hereby invested with full power an authority to have such surveys made as he may deem necessary, and to appoint competent surveyors for this purpose.

Sec. 2. Any surveyor appointed under the provisions of this act shall make and execute a bond in the sum of ten thousand dollars, conditioned and payable the same as bonds of county and district surveyors; he shall also take the oath prescribed by the Constitution for other officers; said bond to be approved by the Commissioner of the General Land Office, and shall be conditioned as other surveyors' bonds. He shall be under the control and direction of the Commissioner of the General Land Office, and under such direction may survey the common school, university and asylum lands, or other lands in which the State may be interested, and prepare and return field notes of same, and certify to any and all facts, and generally do and perform such official acts as might lawfully be done by a county or district surveyor, and shall sign his name officially as "State Surveyor."

Sec. 3. The Commissioner of the General Land Office may have any lands belonging to the common school, university or asylum funds, or other lands in which the State may be interested, or lands alternating therewith, surveyed or resurveyed, and field notes or corrected field notes of same returned to his office, by any surveyor appointed under this act, which field notes shall have the same force and effect as if made by the county or district surveyor of the county or district in which said land lies; and upon the adoption and approval of said field notes by the Commissioner of the General Land Office, he shall forward to the surveyor of the county or district in which said land lies certified copies of said field notes, which thereafter shall be a part of the records of said surveyor's office. In carrying out the provisions of this act, the Commissioner of the General Land Office may, when requested by the owner of lands alternating with the lands resurveyed under the provisions of this act, cancel patents, and in lieu thereof issue patents in accordance with said resurvey; provided, that such owners shall pay the expenses incurred in making such corrected surveys of their lands and in issuing said patents; provided, that no claims shall be created against the State for services performed under this act in the absence of a previous appropriation therefor.

Sec. 4. Emergency clause.

[NOTE.—The foregoing act originated in the House and passed the same by

a vote of 58 yeas, 28 nays; and passed the Senate by a vote of 23 yeas, 3 nays.]

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXVI.

H. B. No. 128.

Sunday law.

An act to amend article 183 of the Penal Code of the State of Texas, and to amend an act entitled an act to amend article 186 of the Penal Code, approved April 10, A. D. 1883, chapter 2, title 7, and to amend said chapter and title by adding thereto article 186a, providing additional exemptions from the operation of the Sunday law.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That article 183 of the Penal Code of the State of Texas, and that an act to amend article 186 of the Penal Code, approved April 10, A. D. 1883, be amended so as hereafter to read as follows:

Art. 183. Any person who shall hereafter labor, or compel, force or oblige his employes, workmen or apprentices to labor, on Sunday, or any person who shall hereafter hunt game of any kind whatsoever on Sunday within one-half mile of any church, school house or private residence, shall be fined not less than ten nor more than fifty dollars.

Art. 186. Any merchant, grocer or dealer in wares or merchandise, or trader in any business whatsoever, or the proprietor of any place of public amusement, or the agent or employe of any such person, who shall sell or barter, or permit his place of business or place of public amusement to be open for purpose of traffic or public amusement, on Sunday, shall be fined not less than twenty nor more than fifty dollars. The term place of public amusement shall be construed to mean circuses, theatres, variety theatres, and such other amusements as are exhibited and for which an admission fee is charged; and shall also include dances at disorderly houses, low dives, and places of like character, with or without fees for admission.

Art. 186a. The preceding article shall not apply to markets or dealers in provisions as to sales of provisions made by them before 9 o'clock a. m., nor to the sale of burial or shrouding material, newspapers, ice, ice cream, milk, nor to the sending of telegraph or telephone messages at any hour of

the day, nor to keepers of drug stores, hotels, boarding houses, restaurants, livery stables, barber shops, bath houses or ice dealers, nor to telegraph or telephone offices.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXVII.

S. S. H. B. No. 357.

Judicial districts—thirty-fourth

Sec. 1. Counties comprised in thirty-fourth judicial district, and terms of court thereof.

Sec. 2. Writs and process, returns of.

An act to amend an act approved February 27, 1885, entitled an act to amend section 34 of an act entitled an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXVIII.

S. B. No. 303.

Taxation.

An act to amend chapter 2, title 96, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 4676a, providing for the assessment of live stock in pastures in the several counties in which such pastures are situated.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That chapter 2, title 96, of the Revised Civil Statutes, be amended by adding thereto Article 4676a, which shall read as follows:

Art. 4676a. All persons, companies and corporations owning pastures in the State, which lie on county boundaries, shall be required to list for assessment all live stock of every kind owned by them in said pastures in the several counties in which such pastures are situated, listing in each county such portion of said stock as the land in such county is of the whole pasture. All persons, companies and corporations owning any kind of live stock not their own, shall list such live stock in the several counties in which

such pastures are situated in the same manner, and in both cases the tax assessed upon such live stock shall be paid to the tax collectors of the several counties in which such live stock is listed and assessed.

Sec. 2. The near approach of the close of the session of the Legislature creates an imperative public necessity that the rule requiring bills to be read on three several days should be suspended, and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 2, 1887.

Took effect from and after its passage.

CHAPTER CXIX.

S. B. No. 71.

Protection of stockraisers—Destruction of wolves, etc.

An act to protect stockraisers, providing for the destruction of wolves and other wild animals.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That hereafter when any person shall kill in this state any wolf, either coyote or lobo, panther, Mexican lion, tiger, leopard, or wildcat, he may be paid in the county in which he kills such animal, the sum of fifty cents for each coyote wolf, or wildcat, and one dollar for each lobo wolf, and the sum of two dollars for each panther, Mexican lion, tiger, or leopard so killed.

Sec. 2. The commissioners' court of any county may order to be paid to the person or persons having killed any of said animals in their respective counties, as fixed in section one (1) of this act, upon their exhibiting the scalps of the animals killed to the county judge of said county, accompanied by the written affidavit of such person, stating when and where he killed said animals, and the kind of each.

Sec. 3. Such scalp shall consist of a sufficient portion of the said animal's hide, including the ears thereof, to determine whether the same has been taken from one of the above named animals; and the commissioners' court may in all cases, when it is not satisfied as to the sufficiency of the evidence before it under this act, reject any and all claims. The commissioners' court shall destroy all such scalps as soon as practicable.

Approved April 2, 1887.

Takes effect ninety days after its passage.

CHAPTER CXX.

S. B. No. 256.

Railroads—Duties and liabilities of.

An act to amend Articles 4251, 4252, 4253, 4254 and 4255, of chapter 10, title 84, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Articles 4251, 4252, 4253, 4254 and 4255, of chapter 10, title 84, of Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 4251. That all railway companies doing business in this State shall be and they are hereby required to receive from all other railway companies with which they may connect at the State line of this State, or at any place within this State, or at any or all places where they may cross the line of any other railway doing business or operating a line of railway in this State, all freights and passengers coming to it from such connecting line and destined to points on its line, or to points beyond its line or any other line of railway with which said line may connect or cross, and shall transport the same over its said line to destination if on its line, or to the next connecting or cross line in the direction of destination if beyond its line, without delay or discrimination in favor of or against the line from which such freight or passengers are received, and upon the same terms and conditions with those made by such line for like or similar service against any other railway in or out of this State with which it does business; provided, however, that the words "without delay or discrimination," as used herein, are hereby declared to mean that the freight received for transportation as required herein shall be shipped in the order in which it is received, giving preference in all cases to live stock and other perishable freight in the order received, and the charges for the business required by this act to be interchanged shall be no greater pro rata per cent per mile for freight, and no greater rate per mile for passengers and baggage than is charged to any other line for transporting like freight and passengers and baggage, or that it accepts for itself when transported wholly on its own line, no matter on what part of the line or in what direction the transporting is done.

Art. 4252. Whenever any two or

more railroads doing business in this State shall connect with each other, by crossing each other's track, or otherwise, so as to form a continuous or connected line from one point in the State to another point in this State, such lines so crossing are hereby declared to be connecting lines; and when such connecting lines receive from any other railway or transportation line passengers or freight for transportation over the combined line at a rate or division agreed upon between themselves and such other railway or transportation line from which the business is received as aforesaid, then in every such case it shall be the duty of such connecting railways forming such through line, and of either or both of them, to receive from every other railway or transportation line with which they or either of them may connect by crossing of track or otherwise, all passengers or freight that may be destined to points on either of the lines making up such combined line, and transport the same to the point of destination if on such combined lines or either of them, or to the next connection or crossing in the direction of the destination of such freight or passengers, without delay or discrimination, and at no greater rate than is paid, and on the same conditions as is or shall be required, by such combined line for like or similar services from any other railway or transportation line with which they or either of them shall interchange business.

Art. 4253. Every railroad, or person or corporation operating a railway for the carriage of freight and passengers in this State, shall receive freight, passengers and baggage for transportation to or into this State, or through any part thereof, from every other connecting railway, upon the same terms and conditions as to the division of charges for carrying or transporting the same upon a mileage or any other basis, and upon terms and conditions as to bills of lading, way bills, tickets, coupon tickets and baggage checks, that any such person or corporation or transportation line may receive or contract to receive from any other person or corporation engaged in like business in this State.

Art. 4254. Every railway which may interchange business with any other connecting railway under the provisions of this act, or otherwise, is hereby declared to be a trustee for such connecting railway, to the extent

of all sums of money received by it for the joint business interchanged between them, and which may properly belong to such other railway. Such sums of money shall be due and payable from one connecting line to the other once every ninety days; and each connecting railway shall have a lien upon the property and franchises of connecting railways to the extent of balances due each quarter, which lien shall be superior to all other liens upon said property and franchises, save and except laborers' liens, as already provided by law, and may be enforced in any of the courts of this State having jurisdiction by law of the subject matter and of the parties.

Article 4255. If any railway company doing business in this State shall fail or refuse to interchange business with any other railway company; or shall fail or refuse to interchange business on the same terms or for the same *pro rata* that it interchanges business with any other railway company in this State; or shall fail or refuse to honor or receive the tickets, coupon tickets, way bills or baggage checks of any connecting railway upon the same terms and conditions that it receives or honors the tickets, coupon tickets, way bills or baggage checks of any other railway company; or shall violate in any manner any other provisions of this and the four preceding articles, such railway company so offending shall be deemed guilty of discrimination within the meaning of this act, and shall forfeit and pay to the person or corporation aggrieved thereby the sum of one thousand dollars as penal damages for each and every act of discrimination or violation of this act, which may be recovered in a civil action in any of the courts of this State having jurisdiction by law of such an amount, in the name of the person or corporation so suing; provided, nothing in this act shall be so construed as to prevent the recovery of any other damages, by any aggrieved person, firm or corporation, occurring by reason of the violation of this or the four preceding articles, nor to relieve any railway company, or its officers, managers or agents from prosecution for the violation of any penal law of the State.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXI.

S. B. No. 349.

Agricultural experiment stations.

An act to give the assent of the State of Texas to the purposes of a grant of money authorized and appropriated by an act of the Congress of the United States, approved March 2, A. D. 1837, and entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, A. D. 1862, and of the acts supplementary thereto."

Whereas, the Congress of the United States, by an act approved March 2, A. D. 1887, and entitled "An act to establish agricultural experiment stations in connection with colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," has granted to each of the States and Territories of the United States an appropriation of fifteen thousand dollars for the purposes indicated in the title of said act and fully set forth in the body thereof; and,

Whereas, said act in section 9 thereof provides that the grants of money therein authorized are made subject to the legislative assent of the several States and Territories to the purposes of said grants; therefore,

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the State of Texas does hereby assent to the purposes of said grant.

Sec. 2. That the near approach of the close of the present session of the Legislature rendering it impracticable to read this bill on three several days, and the importance of the subject matter hereof, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXII.

S. B. No. 240.

Appeals from justice's court.

An act to amend Article 1639a of an act to amend title 32, chapter 17, of the Revised Civil Statutes of the State of Texas, approved April 14, A. D. 1883.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 1639a be and is hereby amended so as to read hereafter as follows:

Art. 1639a. Where the appellant is unable to pay the costs of appeal, or to give security therefor, he shall nevertheless be entitled to prosecute his appeal; but in order to do so he shall be required to make strict proof of his inability to pay the costs or any part thereof. Such proof shall be made before the county judge of the county where such party resides, or before the court trying the same, at any time within ten days from and after the date of the judgment rendered therein, and shall consist of the affidavit of said party, stating his inability to pay the costs, which affidavit may be contested by any officer of the court or party to the suit; whereupon it shall be the duty of the court trying the case, or the justice of the peace of the precinct in which said case was tried, or the county judge of the county in which the suit is pending, to hear evidence and to determine the right of the party to his appeal.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXIII.

S. B. No. 115.

Railroads — relations with express companies.

An act to compel all railroads operating in the State to furnish reasonable and equal facilities and accommodations to all corporations and persons engaged in express business, for transportation of themselves, agents, servants, merchandise and other property.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That every railroad company operating a railroad within this State shall furnish reasonable and equal facilities and accommodations, and upon reasonable and equal rates, to all corporations and persons engaged in the express business, for the transportation of themselves, agents, servants, merchandise and other property, and for the use of their cars, depots, buildings and grounds, and for exchanges at points of junction with other roads.

Sec. 2. Any railroad company which shall fail to comply with the provisions hereof shall be liable to the aggrieved party, in an action on the case, for damages; and such railway company, in addition to liability to said action

for damages, shall be subject to a writ of mandamus, to be issued by any court of competent jurisdiction, to compel compliance with the provisions of section (1) one of this act, and the said writ of mandamus shall issue at the instance of any party or corporation aggrieved by a violation hereof, and any violation of said writ shall be punishable as a contempt.

Sec. 3. Emergency clause.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXIV.

S. B. No. 274.

Department of State.

An act to amend Article 2725, of title 48, of chapter 1, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 2725, of title 48, of chapter 1, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Art. 2725. The Secretary of State shall deliver, by mail or otherwise to each justice of the Supreme Court, each judge of the Court of Appeals, the Attorney General, the Assistant Attorney General, the Governor, each district judge of the State, each professor of law of the University of Texas, the librarian of said University, and to the county judge of each county, for the use of the counties, one copy of the reports of the Supreme Court, and Court of Appeals, hereafter issued; also one copy of each of said reports to the circuit judge of the United States for Texas, and shall furnish to each district judge of the United States for Texas one copy of each of said reports for each branch of his court; and when it appears that any of the reports of either of said courts have been heretofore furnished and not returned to the Department of State, or when they are hereafter delivered by the State to either of the said officers or authorities, the Secretary shall have no authority to send another copy, except on proof that the same have been destroyed by fire, or have been rendered valueless by long use, to be evidenced by the certificate of the office demanding to be resupplied with such report.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXV.

S. B. No. 68.

Notary Public—Stephens county.

Sec. 1. Validating acts of Hon. Wm. Veal as notary public.

Sec. 2. Emergency clause.

An act to validate the official acts of Wm. Veal, notary public of Stephens county, Texas, and to permit him to file the bond and oath required by law of notaries public.

[NOTE.—The foregoing act originated in the Senate, and passed the same by a vote of 23 yeas, no nays; and passed the House by a vote of 79 yeas, 6 nays.]

Approved April 2, 1887.

Took effect from and after its passage.

CHAPTER CXXVI.

S. B. No. 140.

Legalizing ordinances of cities and towns.

Sec. 1. Validating ordinances not published according to article 486, Revised Statutes—Evidence of.

Sec. 2. Emergency clause.

An act to legalize and validate the ordinances of cities and towns incorporated under the provisions of title 17 of the Revised Civil Statutes of the State of Texas, wherein any ordinance imposing a penalty, fine, imprisonment or forfeiture, for violation of its provisions, has not been published in the official paper for ten days as required by law.

Sec. 2. The necessity for the preservation of law and order in the several towns and cities of this State creates an emergency that this act take effect from and after its passage, and it is so enacted.

Approved April 2, 1887.

Took effect from and after its passage.

CHAPTER CXXVII.

H. B. No. 94.

Railroads.

An act to amend Article 4227, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 4227, chapter 10, title 84, of the Revised Civil Statutes, be so amended as hereafter to read as follows:

Art. 4227. In case of the refusal by such corporation or their agents so to take and transport any passenger or

property, or to deliver the same, or either of them, at the regular or appointed time, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit, and in case of the transportation of property, shall, in addition, pay to such party special damages at the rate of five per cent per month upon the value of the same at the time of shipment, for the negligent detention thereof beyond the time reasonably necessary for its transportation; provided, that in all suits against such corporation under this section the burden of proof shall be on such corporations to show that the delay was not negligent.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXVIII.

H. B. No. 316.

Foreign corporations.

An act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in the State, and providing penalties for a violation of the same.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That hereafter any corporation for pecuniary profit, organized under the laws of any other State, or of any territory of the United States, or of any foreign country, desiring to transact business in this State, shall be and is hereby required, on and after January 1, 1888, to file with the Secretary of State a certified copy of its articles of incorporation, duly attested, accompanied by a resolution of its board of directors or stockholders, authorizing the filing thereof, and also authorizing service of process to be made upon any of its officers or agents in this State engaged in transacting its business, and requesting the issuance to such corporation of a permit to transact business in this State, said application to contain a stipulation that said permit shall be subject to each of the provisions of this act. And thereupon the Secretary of State shall issue to such corporation a permit for the general transaction of the business of such corporation; and upon the receipt of such permit such corporation shall be permitted and authorized to carry on its business in this State.

Sec. 2. No foreign corporation which has not in good faith complied with the provisions of this act, and taken out a permit, shall hereafter be authorized to exercise the power of eminent domain, or exercise any of the rights and privileges conferred upon corporations, until it has complied herewith and taken out such permit.

Sec. 3. Any foreign corporation sued or impleaded in any of the courts of this State, upon any contract made or executed in this State, or to be performed in this State, or for any act or omission, public or private, arising, originating or happening in the State, which shall remove any such cause from such State court into any of the Federal courts held or sitting in this State, for the cause that such corporation is a non-resident of this State, or a resident of another State than that of the adverse party, or of local prejudice against such corporation, shall thereupon forfeit and render null and void any permit issued or granted to such corporation to transact business in this State; such forfeiture to be determined from the record of removal, and shall date from the date of the filing of the application on which such removal is effected or sought to be effected. And whenever any corporation shall thus forfeit its said permit, no new permit shall be issued to said corporation for the space of six months thereafter.

Sec. 4. Any foreign corporation that shall carry on its business and transact the same on and after January 1, 1888, in the State of Texas, by its officers, agents, or otherwise, without having complied with this statute, and taken out and having a valid permit, shall forfeit and pay to the State for each and every day in which such business is transacted and carried on the sum of one hundred dollars, to be recovered by suit in any court having jurisdiction. A foreign corporation, within the meaning of this act, is meant any corporation not organized under and by virtue of the laws of this State.

Sec. 5. Any agent, officer or employe, who shall knowingly act or transact such business, for such corporation when it has no valid permit, as provided herein, shall be guilty of a misdemeanor, and for each offense shall be fined not to exceed one hundred dollars, or imprisonment in the county jail not to exceed thirty days.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXIX.

H. B. No. 89.

Protection of fish and game.

An act to amend an act passed at the regular session of the Eighteenth Legislature, and approved April 18, 1883, entitled "An act to amend Article 430, of section 1, and to repeal section 2 of an act entitled an act to amend Articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create Article 426½, and to repeal Article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, 1881.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 130, of section 1, of an act entitled "An act to amend Articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create Article 426½, and to repeal Article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, 1881, be amended so as to read as follows:

Art. 430. That the following counties are hereby exempted from the provisions of Articles 426, 426½, 427, 428 and 429 of this chapter, to-wit: Nacogdoches, Hood, Bosque, Somervell, Sabine, San Augustine, Shelby, Titus, Franklin, Hunt, Rockwall, Hopkins, Montgomery, Brazos, Rains, Wood, Coryell, Hamilton, Brown, Runnels, Cooke, Wise, Montague, Clay, Parker, Jack, and the unorganized counties attached to the same for judicial purposes; Ellis, Anderson, Free stone, Cherokee, Stephens, Eastland, Erath, Comanche, Palo Pinto, Polk, Guadalupe, Throckmorton, Shackelford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Howard, Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickson, Crosby, Wilbarger, Childress, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipcomb, Ochiltree, Hansford, Sherman, Hardeman, Dallam, Smith, Upshur, Cass, San Jacinto, Camp, Frio,

Dimmitt, Maverick, Kinney, Cameron, Jackson, and the unorganized county of Zavalla; provided, that the exemption from the operation of this law shall not apply to Article 425; and provided, that the counties of Grimes, Angelina, Van Zandt, Walker, Trinity, Parker, Jack, Young and Bell are hereby exempted from Articles 425, 426, 426½, 427, 428 and 429; and provided, that the county of Houston is hereby exempted from from the provisions of Articles 426, 426½, 427 and 429 of this act; and provided, that the counties of Fannin and Hopkins are hereby exempted from the provisions of Articles 426 and 426½; and provided, that the counties of Lee and Fayette are hereby exempted from the provisions of Articles 426 and 429; and provided, that the counties of Bastrop and Brazoria are hereby exempted from the provisions of Article 429; and provided, that the county of Kaufman is hereby exempt from the provisions of Articles 428 and 429; and provided, that the counties of Collin and Robertson are hereby exempted from the provisions of Article 426, 426½, 427, 428 and 429; and provided, that the counties of Gonzales, Karnes, Wilson, Atascosa and Morris are hereby exempted from the provisions of Articles 426, 426½, 427 and 428; and provided, that the county of Bowie is hereby exempted from the provisions of Articles 427, 428 and 429; provided, further, that the counties of Franklin, Titus and Wood shall be exempt from the provisions of Article 423.

Sec. 2. That section 2 of said act is hereby repealed.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXX.

S. B. No. 285

Hardin county—Election for removal of county seat.

Sec. 1. Providing for an election to remove county seat of said county upon application of fifty taxpayers, etc.

Sec. 2. Election returns; how made, etc.

Sec. 3. Emergency clause.

An act to authorize an election for the removal of the county seat of Hardin county.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXXI.

H. B. No. 157.

Receivers.

An act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceedings under such appointment of receivers.

Sec. 1. Cases in which receivers may be appointed by the courts.

Sec. 2. No party nor attorney at interest shall be appointed, and receiver must be a citizen of the State.

Sec. 3. Providing for oath and bond of receiver.

Sec. 4. Powers of receiver, under control of court, to sue, defend suits, etc.

Sec. 5. Providing for investment of the funds.

Sec. 6. Application of moneys coming to hands of receiver as such, etc.

Sec. 7. As to deposit of funds by receiver operating railroads, etc.

Sec. 8. Suits by or against receivers without consent of controlling court.

Sec. 9. Venue of actions against receivers.

Sec. 10. Appointment and qualification of a special clerk and master.

Sec. 11. Receiver to return inventory.

Sec. 12. No court without the limits of the State to appoint receivers of property in this State.

Sec. 13. Receivers for corporations shall be appointed in county where their principal office is.

Sec. 14. Duties of receiver—Payment of debts—Improvements, etc.

Sec. 15. As to payments of judgments and concluded claims at time of appointment of receiver

Sec. 16. Receivership must be closed within three years unless prevented by appeals.

Sec. 17. Receiver of incorporated company, etc., shall not be appointed on petition thereof.

Sec. 18. Repealing clause.

Sec. 19. Rules of equity to apply where not inconsistent with the provisions of this act.

Sec. 20. Emergency clause.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXXII.

S. H. B. No. 1.

Public free schools.

An act to amend sections 36, 42, 45, 48, 50, 56, 61, 62, 63, 66 and 71, of an act

to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78, of the Revised Civil Statutes of Texas, as refer to the public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed by the Eighteenth Legislature at its special session in 1884, and to further amend said act by adding thereto a new section, to be known as section 43a, providing for county superintendents of public instruction in certain cases, and defining their duties and fixing their compensation.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That sections 36, 42, 45, 48, 50, 56, 61, 62, 63, 66 and 71, of the above mentioned act, be and they are hereby so amended as to hereafter read as follows:

Sec. 36. On the first Saturday in June of each year the qualified voters of each school district, at school district meeting for that purpose, shall elect three trustees for said district, who shall enter upon the discharge of their duties upon the first day of July following, and shall hold their offices for one year, and thereafter until their successors have been elected or appointed and shall have qualified. The commissioners court shall appoint three persons, qualified voters of the district, to hold such election, who shall make returns thereof to the county judge within five days after such election shall have been held; and if no election be held, or if a vacancy occur in the board of trustees by death or otherwise, the county judge shall at once appoint a trustee, or trustees, as may be necessary, for the full or unexpired term. No person shall be eligible to serve as a school trustee who cannot read and write, and has not been a resident of the school district for six months prior to the election held for trustees.

Sec. 42. The county judge may, at any time before he apportions the school fund among the several districts or communities, transfer a child from one district or community to another in the same county, and in every such case he shall transfer the *pro rata* share of such child in the school fund to the district or community in which said child shall be taught. After the completion of said apportionment no transfer shall

be made, but all children within the scholastic age who have not attended any public school in the State during the current scholastic year shall be allowed to attend free of charge any public school in any district or community in which such children have acquired a residence. The county judge shall also have authority, on the recommendation of the school trustees, to consolidate one school with another in the same district or adjoining district, and to transfer money from one school to another school in the same district or adjoining district.

Sec. 45. County judges shall be entitled to the following compensation: For five hundred dollars or less of the school fund actually disbursed by the county treasurer, twenty five dollars shall be allowed such judge; for five hundred dollars and not exceeding one thousand dollars so disbursed, fifty dollars shall be allowed; and for each additional thousand or fractional part thereof so disbursed, ten dollars shall be allowed such judge, and ten per cent on the salary thus allowed shall be added thereto for postage, stationery and printing expenses connected with the administration of the school law. Such compensation shall be paid to the county judge by the county treasurer out of the public school fund, upon the approval of his voucher by the commissioners court, as follows: On or after the third Mondays of February and May of each year the allowances upon disbursements to those dates respectively shall be paid, and on or after the third Monday of August the allowance upon disbursements to that date and subsequent to the one last above mentioned, together with said ten per cent additional, shall be paid; provided, such judge shall have made to the State Superintendent of Public Instruction all reports required of him by law, in respect to matter appertaining to the public free schools of his county; and the commissioners court shall not approve, nor shall the county treasurer pay, the voucher of any county judge for that portion of his compensation herein thirdly above mentioned until said judge shall exhibit to such court and treasurer an acknowledgment of the receipt by such State Superintendent of such reports.

Sec. 48. Any one desiring to teach a public free school shall, unless known to the county judge, present a certificate from the majority of the trustees

of the school last taught by him or her; or of the one which he or she desires to teach; or in case the applicant has not acquired a residence of six months in the county wherein he or she desires to teach, then some other evidence satisfactory to the county judge, that the applicant is of good moral character and of correct exemplary habits; the county judge shall thereupon, unless satisfied that some good cause exists for refusing the certificate hereinafter mentioned, recommend him to the board of examiners for examination, which said board of examiners shall be convened by the county judge at stated times, not less than once a month, provided that there are applicants, for the purpose of examining for certificates to teach. Applicants for third grade certificates shall be examined in orthography, reading, writing, arithmetic, geography, and English grammar. Applicants for second grade certificates shall be examined in the branches prescribed for the third grade, and also in composition, History of the United States, History of Texas, and the theory and practice of teaching. Applicants for the first grade certificates shall be examined in the branches prescribed for the third and second grades, and also in the elementary branches of algebra, geometry, natural philosophy, and physiology. Such examination shall be conducted in the English language, and in writing, and no applicant shall receive a certificate unless the board of examiners be satisfied that he or she is competent to teach the branches prescribed for the grade of certificate applied for, in the English language. The board of examiners shall examine such applicant as to his or her competency to teach the branches named in the preceding clauses, and shall make a report under oath to the county judge, which report shall state who of said board were present at such examination, that the applicant was examined upon all the branches of study embraced in the grade of certificate recommended, and that such applicant is competent to teach and qualified to teach all of such branches. And the county judge shall, if such report be favorable, issue a certificate of competency to the applicant, according to the grade recommended by the board of examiners, authorizing his or her employment by the trustees of the school district or community in the county in which the same is issued. Such certificate shall

be valid in the county where issued for the current scholastic year, and may be renewed by the county judge for any subsequent year, without examination and without charge to the teacher, if he be satisfied of the propriety of such renewal. A teacher's certificate may be canceled by the county judge on account of such incompetency, misconduct, or immorality as may be reported by the trustees to the county judge, or as may otherwise come to his knowledge, disqualifying such teacher for the instruction of children; but before such cancelation the teacher shall have reasonable notice of the charges against him or her, and an opportunity to be heard. It shall be the duty of the teacher to keep a full and correct record of the daily attendance of each pupil, and all other statistical data required by the State Superintendent, and he shall make a complete report thereof to the county judge at the close of the school.

Sec. 50. Teachers shall receive salaries not exceeding the following sums: Teachers with first grade certificates, \$75 per month; teachers with second grade certificates, \$50 per month; teachers with third grade certificates, \$30 per month, provided, that teachers teaching under certificates of one year's attendance at a State normal school shall be regarded as teachers with second class certificates; provided further, that this rule shall not apply to teachers employed in districts voting a local tax on themselves. Teachers shall admit all children over and under scholastic age into the public schools.

Sec. 56. Three teachers holding first grade certificates, to be appointed by the county judge, provided in the absence of teachers holding such certificates he may appoint any other competent persons, who shall constitute the county board of examiners, and shall receive from each teacher examined for a certificate the sum of three dollars, and the county judge shall keep a record of all certificates issued by said board, and all other certificates and diplomas of teachers, giving the name, age, sex, color, and nativity of the person, the date, grade, and length of time of each certificate. No certificate shall be valid unless the examination provided for in this section be attended and taken part in by a majority of the members of said board of examiners.

Sec. 61. When a school district or community has no school house, or not a sufficient number, or when the school

houses are in need of repairs or furniture, so much of the available public free school fund to the credit of such district or community for any one year as the county judge may deem expedient or necessary, may be used for erecting, repairing or furnishing a house or houses, as the case may be; provided, that where a house is to be erected, the citizens of the district or community must contribute of their labor or means, or both, an amount equal to one-third of the school fund so used, and a suitable piece of land shall be donated as a site, and a deed therefor shall be executed and delivered, conveying a good and sufficient title in fee simple in and to such land, to the county judge and his successors in office, in trust for public free school purposes, which deed must be recorded as other deeds; and provided, further, that districts which have taxed, or may hereafter tax themselves, may be allowed to use the money raised by such taxation for the purpose of purchasing, repairing, enlarging, erecting or furnishing school buildings, or to purchase building sites, but the title to all real estate so purchased shall be taken and recorded as herein above provided.

Sec. 62. The trustees of the district or community must make an application to the county judge for any appropriation for the purposes named in the preceding section before making any contract with any teacher for the year in which such appropriation is desired, which application shall be accompanied with plans and specifications of the house or houses sought to be erected, with a statement of the estimated cost, or, in case of desired repairs or furniture, a detailed statement of the repairs or furniture desired, together with an estimate of the cost of the same.

Sec. 63. After receipt of such application, the county judge, if it appears to his satisfaction that the house to be erected is necessary and adapted to the needs of the pupils of the district or community, or that the repairs or furniture desired is necessary, and that the requirements of the law have been complied with, shall make an order appropriating such an amount of the school fund to the credit of such district or community for that year as he may deem expedient, necessary and proper for the purposes specified in such application; but in making any such appropriation for a district, the scholastic interests of the districts as a

whole shall be considered, and no part of such an appropriation shall be drawn from the treasury or paid until the completion of the building or repairs according to contract, plans and specifications, or, in case of furniture, until the delivery thereof according to such contract as the trustees may have made, and then only upon the warrant of the county judge.

Sec. 66. So much of the available school fund of any school district or community for any one year as the county judge may deem expedient, necessary and proper may be used in the purchase of suitable school property upon the terms and conditions hereinbefore specified.

Sec. 71. The following counties shall be and the same are exempted from the district system provided for in this act, to-wit: Anderson, Angelina, Aransas, Atascosa, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Callahan, Cameron, Camp, Cass, Chambers, Concho, Delta, DeWitt, Duval, Eastland, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Gillespie, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Hays, Henderson, Hidalgo, Hopkins, Jackson, Jasper, Jefferson, Karnes, La Salle, Lampasas, Liberty, Limestone, Medina, Marion, Mason, Matagorda, McMullen, Menard, Milam, Montgomery, Morris, Nacogdoches, Newton, Orange, Palo Pinto, Panola, Pecos, Polk, Presidio, Rains, Reeves, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Stephens, Starr, Titus, Tom Green, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Washington, Webb, Wilson, Wharton and Zapata.

Sec. 2. The act above mentioned shall be further amended by adding thereto another section, to be known as section 43a, which shall read as follows:

Sec. 43a. The office of county superintendent of public instruction is hereby created, and the county commissioners court of any county in this State may, when in their judgment it may be advisable, provide for the election at each general election of some person of educational attainments, good moral character and executive ability, a qualified voter of said county, and the holder of a first grade teacher's certificate, who shall hold his office for the term of two years, and until his successor is elected and

qualified; and said commissioners court, when they so provide for the election of a county superintendent, shall appoint a county superintendent of public instruction, with the qualifications above provided, who shall perform the duties of such office until a county superintendent shall have been elected, as hereinbefore provided, and shall have qualified. Such county superintendent of public instruction shall perform all the duties in regard to the public free schools of his county imposed by law upon the county judges of such counties as have no county superintendents of public instruction, and shall have and may exercise all powers and authority vested by law in such county judges in respect to matters appertaining to the public free schools; and in addition thereto he shall take the scholastic census of his county, which census shall be taken by districts in those counties wherein the district system prevails, and under the rules and regulations of section 40 of this act. Such county superintendent, before entering upon the discharge of his duties, shall take the oath of office prescribed by law for school officers, and shall enter into bond in the sum of five thousand dollars, with good and sufficient security, to be approved by the county commissioners court, and to be filed with the county clerk of his county; and said bond shall be made payable to the county commissioners court and their successors in office in trust for the permanent school fund of the county, and be conditioned for the faithful performance of the duties of his office. Said county superintendent shall receive the same compensation for his services, to be paid in the same way, as is allowed by law to the county judges for similar services, and also the compensation allowed by law for taking the scholastic census, and such other compensation as may be allowed by the commissioners court of his county, to be paid from the school fund; provided, the said compensation shall never exceed in the aggregate one thousand dollars per annum. He shall have authority to administer all oaths necessary for the proper discharge of all the duties required of him. Said county superintendent shall keep his office at the county seat, and to him shall be made all applications and reports authorized and required by law to be made to county judges in respect to public free school matters in those counties having no

county superintendents of public instruction.

Sec. 3. Whereas the near approach of the close of the present session of the Legislature renders it doubtful whether this act can be passed if allowed to take the regular course in both houses; and whereas it is a matter of great importance that many grave defects in the present school law sought to be remedied hereby should be corrected; and whereas, in order that certain provisions of this act should be complied with according to its terms, it is necessary that it should take effect and be in force from and after its passage; therefore an imperative public necessity and emergency exist requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 72 yeas, 12 nays; and passed the Senate by a vote of 20 yeas, 6 nays.]

Approved April 2, 1887.

Took effect from and after its passage.

CHAPTER CXXXIII.

H. B. No. 52.

Taxation.

An act to amend title 95 of the Revised Statutes, by adding thereto Articles 4712a and 4763a, and by amending Articles 4740, 4744, 4746, 4747 and 4748, so as to provide for a more thorough and efficient assessment of property and the collection of taxes thereon.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That title 95 of the Revised Civil Statutes be amended by adding thereto the following articles, to be known as Articles 4712a, and 4793a, and by amending Articles 4740, 4744, 4746, 4747 and 4748 of said title, so that they shall hereafter read as follows:

Article 4712a. If the assessor of taxes shall discover in his county, or outside of his county, but belonging to a resident of the county, any personal property which has not been assessed or rendered for taxation every year for two years past, he shall list and assess the same for each and every year thus omitted which it has belonged to said resident, in the manner prescribed for assessing other property, and such

assessment shall be as valid and binding as though it had been rendered by the owner thereof.

Art. 4740. The collector of taxes shall keep his office at the county seat of his county, and it shall be the duty of every person who has failed to attend and to pay his taxes at the times and places in his precinct named by the collector, as provided in the preceding article, to call at the office of the collector and pay the same before the last day of December of the same year for which the assessment is made.

Art. 4744. The collector of taxes shall make out, on forms to be furnished for that purpose by the Comptroller of Public Accounts, on and after the first day of April of each year, triplicate lists of delinquent or insolvent taxpayers, the caption of which shall be the "List of delinquent or insolvent taxpayers." In this list he shall give the name of the person, firm, company or corporation from whom the taxes are due, in separate columns, and he shall post one copy of these delinquent or insolvent lists at the court house door, and one copy at two other public places in his county. And the collector of taxes, upon the certificate of the commissioners court that the persons appearing on the insolvent or delinquent lists have no property out of which to make the taxes assessed against them, or that they have moved out of the county and that no property can be found in the county belonging to such persons out of which to make the taxes due, shall be entitled to a credit on final settlement of his accounts for the amounts due by the persons, firms, companies or corporations, certified to by the commissioners court as above provided for.

Article 4746. If any person shall fail or refuse to pay the taxes imposed upon him or his property by law, until the first day of January next succeeding the return of the assessment roll of the county to the Comptroller, the collector of taxes shall, by virtue of his tax roll, seize and levy upon and sell so much personal property belonging to such person as may be sufficient to pay his taxes, together with all costs accruing thereon; provided, there shall be no levy on property when the owner thereof has the right to pay at the Comptroller's office, until a list of the persons who have paid their taxes at said office has been furnished the collector of taxes by the Comptroller. The Comptroller shall

forward said list of paid taxes on or before the first day of February of each year, and the tax collector shall immediately, on receipt of said list from the Comptroller, levy on and sell the property of such non-residents as have not paid their taxes, in accordance with the law regulating the sale of property for taxes.

Article 4747. If any person shall point out to the collector of taxes sufficient personal property belonging to him to pay all taxes assessed against him before the first day of January of any year, the collector shall immediately levy upon and sell such property so pointed out, in accordance with the laws regulating tax sales of a similar class of property.

Article 4748. If it comes to the knowledge of the collector that any personal property assessed for taxes on the rolls is about to be removed from the county, and the owner of such property has not other property in the county sufficient to satisfy all assessments against him, the collector shall immediately levy upon a sufficiency of property to satisfy such taxes and all costs, and the same sell in accordance with the law regulating sales of personal property for taxes, unless the owner of such property shall give bond, with sufficient security, payable to and to be approved by the collector, and conditioned for the payment of the taxes due on such property, on or before the first day of January next succeeding.

Article 4763a. It shall be the duty of the tax collector to make an affidavit before any justice of the peace against any person, firm or association of persons engaging in or pursuing any occupation on which, under the laws of this State, a tax is imposed, who fails or refuses to pay the same. And any collector of taxes who shall knowingly permit any person, firm or association of persons to engage in or pursue any any occupation on which, by the laws of this State, a tax is imposed, without first paying all legal taxes assessed against such person, firm or association of persons, for such occupation, for State and county purposes, shall be fined in any sum not less than fifty nor more than five hundred dollars for every such offense; provided, that evidence that such collector of taxes has made the affidavit herein required immediately against such person, firm or association of persons so pursuing an occupation in violation of law, shall be a defense

against all prosecutions under this section.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved April 2, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXXIV.

H. B. No. 556.

Judicial districts—Eighteenth.

An act to amend chapter 18, section 18, of an act entitled "An act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884."

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section 18 of an act entitled "An act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," be so amended as hereafter to read as follows:

Sec. 18. The eighteenth judicial district shall be composed of the counties of Johnson, Hill and Bosque, and the district courts therein shall be held as follows:

In the county of Bosque on the third Mondays in January and August, and may continue in session six weeks.

In the county of Hill on the sixth Monday after the third Mondays in January and August, and may continue in session seven weeks.

In the county of Johnson on the thirteenth Monday after the third Mondays in January and August, and may continue in session until the business is disposed of. Provided, that said continuation shall not interfere with the terms of the court in the remaining counties of the district as herein above provided for.

Sec. 2. All process heretofore issued or served, returnable in any of the counties of said judicial district as heretofore prescribed by law, shall be considered as returnable at the times herein prescribed, and all such process is hereby legalized and validated as if the same had been made returnable at the time herein prescribed.

Sec. 3. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. The near approach of the close of the session creates a public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days, and such rule is hereby suspended.

Approved April 4, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXXV.

S. B. No. 261.

An act to provide for the purchase of a site and the establishment, location, construction and maintenance of a State Orphan Asylum, and to make an appropriation therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That there shall be established and maintained an orphan asylum for the maintenance indigent orphan children within this State.

Sec. 2. The governor shall appoint three commissioners, who shall select the site for said asylum with reference to accessibility by railroad, health and fertility of soil; competition shall be invited by the different towns in this State for the location of this asylum, and the commissioners hereinafter provided shall invite such competition through such means as they may deem best, reserving the right to reject any or all bids for the location of the same, who shall receive five dollars per day for their services and their actual and necessary expenses incurred during their service, to be paid by the State Treasurer, upon the warrant of the Comptroller, to be issued upon the certificate of the chairman of said board of commissioners that the duties have been performed in accordance with the provisions of this chapter.

Sec. 3. Deeds and other instruments conveying property for the purposes herein mentioned shall be in the name of the State of Texas, for the use of the State Orphan Asylum.

Sec. 4. The Governor shall appoint a board of managers of said asylum who shall be governed in their regulation of the officers of said asylum in accordance with the laws now in existence relative to the deaf and dumb and blind institutions, so far as the same may be applicable, and shall perform the same duties and receive the same compensation as the board of

managers of the aforesaid State institutions.

Sec. 5. The said board of trustees shall appoint a superintendent of said asylum, upon the nomination of the Governor, whose duties of office shall be the supervision of the affairs of said asylum, keeping the accounts of the same, and its general management, under the direction of the board of managers.

Sec. 6. Said board of managers shall admit all children under the age of fourteen years, subject only to such restrictions as they may deem requisite to the welfare and good government of said asylum.

Sec. 7. In addition to other duties of said Superintendent, he shall keep a carefully prepared list containing the names and ages of each and every child, as well as such other data concerning the history of said children as the board of managers may prescribe, said list to be recorded in a well bound book for said purpose, and subject to the inspection of all persons who desire to examine its contents. He shall annually deliver over to the proper authorities a list of all children within the scholastic age, and see that their pro rata of the public free school fund is set aside to their credit, and that they are provided with proper educational facilities. He shall promptly answer all inquiries, by correspondence or otherwise, concerning the orphans under his charge, and promptly inform the board of managers when an opportunity is presented to secure a good and permanent home for any child under his charge.

Sec. 8. No person shall be permitted to remove a child from said asylum except under such lawful rules and regulations as the board of managers may adopt, and in no case shall a child be removed therefrom by any person other than the natural guardian of said child, or the duly qualified guardian of the person of such child, or the parent of said child by adoption.

Sec. 9. The superintendent of said asylum shall receive such salary each year as may be provided by the board of managers. In no case shall such salary be fixed at an amount exceeding one thousand dollars per annum.

Sec. 10. There shall be a matron of said asylum, to be chosen by the superintendent, with the consent of the board of managers, whose salary shall not exceed forty-five dollars per month.

Sec. 11. That the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, be appropriated out of any moneys to the credit of the available fund of said asylum not otherwise appropriated, in addition to the annual income arising from the lease of orphan asylum lands and interest on notes and bonds belonging to the funds of said asylum, for the purpose of purchasing a suitable site for said asylum, and paying the necessary expenses incident to carrying on said asylum, and for the erection of a public building to be known as the Orphan Asylum.

Approved, April 4, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXXVI.

H. B. No. 370.

Grand juries.

An act to create Article 198a of chapter 2, title 8, of the Penal Code of Texas, for the punishment of persons who divulge the secrets of grand juries.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That Article 198a, of chapter 2, title 8, of the Penal Code of Texas, is hereby created, to read as follows:

Art. 198a. Any grand juror, or person who shall appear before any grand jury, in this State, and who, after being sworn according to law as a witness before said grand jury, shall afterward divulge, either by word or sign, any matter about which said witness may have been interrogated, or any proceeding or fact said witness may have learned by reason of being said witness, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred nor more than one thousand dollars, and may be in addition thereto imprisoned in the county jail not exceeding six months; provided that this act shall not apply to persons required to testify to any of the aforesaid matters before a judicial tribunal.

Sec. 2. The near approach of the end of the present session of the Legislature, and the fact that there is no law punishing persons who divulge the secrets of grand juries, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and it is so

enacted, and the bill put upon its third reading and final passage.

Approved April 4, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXXVII.

S. B. No. 174.

Corporations — Venue of suits against.

Sec. 1. Amends section 1, chapter 83, of Acts of 1885—Prescribes the venue in suits against foreign corporations, etc.

Sec. 2. Emergency clause.

An act to amend section 1 of an act entitled an act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations, doing business within this State, and to provide the mode of serving process on such corporations or associations, approved March 31, A. D. 1885.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That section 1 of an act entitled an act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business within this State, and to provide the mode of serving process on such corporations or associations, approved March 31, A. D. 1885, be and the same is hereby amended so as to hereafter read as follows:

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That foreign, private or public corporations, joint stock companies or associations, not incorporated by the laws of this State, and doing business within this State, may be sued in any court within this State having jurisdiction over the subject matter, in any county where the cause of action or a part thereof accrued, or in any county where such company may have an agency or representative, or in the county in which the principal office of such company may be situated; or when the defendant corporation has no agent or representative in the State, then in the county where the plaintiffs or either of them reside.

Sec. 2. Whereas, the near approach of the close of the session of the Legislature creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three

several days, therefore said rule is hereby suspended, and this act shall take effect and be in full force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, no nays; and passed the House by a vote of 71 yeas, 11 nays.]

Approved April 4, 1887.

Took effect from and after its passage.

CHAPTER CXXXVIII.

S. B. No. 251.

Liquor dealer's license.

An act to require occupation license to be posted, by persons, firms and corporations upon whom an occupation tax as a retail liquor dealer is levied, in their places of business, and to punish violations of the same.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That any person, firm or corporation, required by the statutes of this State to pay an occupation tax as a retail liquor dealer, shall post and keep posted in a conspicuous place in his or their place or places of business, his or their occupation license for the tax due the State, county and city on the occupation in which they are engaged. Said occupation license shall be posted as above specified before any person, firm or corporation subject to the occupation tax shall engage in business.

Sec. 2. Any person, firm or corporation failing, neglecting or refusing to post and keep posted their occupation license, as required in section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in double the amount of their occupation tax for each offense, and each day any person, firm or corporation shall violate the provisions of this act shall constitute a separate offense.

Sec. 3. If from any cause any certificate of occupation license shall be lost or destroyed, it shall be the duty of the clerk, upon application of the person, firm or corporation who formerly had such license to furnish a new certificate for the remainder of the term covered by the license lost or destroyed.

Sec. 4. Any person violating the provisions of this act may be arrested without warrant by any peace officer, and carried before the nearest justice

of the peace for trial; and any peace officer who shall fail or refuse to arrest such person on his own knowledge, or upon information from some credible person, shall be punished by fine not exceeding five hundred dollars.

Sec. 5. Whereas, there is no law for the enforcement of the collection of occupation tax, and whereas the near approach of the close of this session renders it impracticable to read this bill on three several days, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this bill be placed on its third reading and final passage.

Approved April 4, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXXXIX.

S. B. No. 272.

Railroads—Regulating shipment of freight.

Sec. 1. Regulates applications for cars by shippers, and duties of railroads as to furnishing cars thereto.

Sec. 2. Application shall state number of cars, and when wanted, etc.

Sec. 3. Prescribes forfeiture for failing to furnish cars.

Sec. 4. Applicant to deposit one-fourth of freight charge, unless, etc.—Forfeiture for failing to use cars.

Sec. 5. Delivery of freight, unloading cars, etc.

Sec. 6. As to burden of proof in suits for delaying freights.

Sec. 7. Emergency clause.

An act to regulate the shipment of freights, and to require railway companies to furnish sufficient cars to transport the same, and to provide penalties for failure so to do.

Approved April 4, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXL.

H. B. No. 271.

County indebtedness—Sale of bonds.

An act to provide for the sale of a certain class of bonds and the reinvestment of their proceeds.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That any county at any time having its school funds derived from the sale of its county school lands invested in the bonds of the United States, of this State, or of any county,

shall have the authority to sell these bonds, when in the opinion of the county commissioners court it shall be deemed for the best interest of the fund, and invest the proceeds in its own or any other county bonds duly and lawfully issued.

Sec. 2. Such sale and reinvestment shall be made only when the proceeds of the sale can be reinvested in such county bonds bearing the same or a greater rate of interest, and having the same or a longer time to run before their maturity, and no commissions shall be paid the county judge or any other officer for making such sale or reinvestment. And the said court shall never pay a higher price for the bonds in which it is proposed to reinvest such proceeds, than the price at which such other bonds were sold.

Sec. 3. The order for the sale and reinvestment shall be made by the county commissioners court at some regular term thereof, when there is a full court present, and not less than four in number shall concur in the said order, the names of those concurring being spread on the minutes of the said court. Whenever county bonds are purchased for the permanent public school fund of any county in this State, the commissioners court of the county purchasing or owning such bonds shall cause to be written upon the face of each of said bonds in substance as follows: "This bond belongs to the public school fund of (naming the county), and shall not be assigned or transferred except by an order of the commissioners court of this county," and upon each coupon on any such bond shall be written as follows: "Owned by (naming the county) county." These endorsements shall be signed by the county judge of the county owning such bonds and coupons. Any such bond or coupon thus endorsed shall be non-negotiable.

Sec. 4. Whereas, in one or more counties bonds have been issued by said county or counties bearing a higher rate of interest than those held by said county or counties against the State; therefore, an emergency exists, and an imperative public necessity requires that the rule requiring that bills be read on three several days be suspended, and this act shall take effect and be in force from and after its passage.

[NOTE.—The foregoing act originated in the House and passed the same by a vote of 77 yeas; and passed the Senate by a vote of 23 yeas, 1 nay.]

Approved April 4, 1887.

Took effect upon and after its passage.

CHAPTER CXXI.

H. S. S. B. No. 54.

Bridges.

Sec. 1. Commissioners court authorized to buy or construct bridges, and to that end may issue bonds to pay for same, etc.

Sec. 2. Amount of tax that may be levied for purposes of this act.

Sec. 3. Provides for sale of bonds—Limits amount of indebtedness that may be contracted.

Sec. 4. Execution and registration of bonds.

Sec. 5. Sinking fund, application and investment of.

Sec. 6. Commissioners court may contract for use of private bridge, etc.

Sec. 7. Repealing section.

Sec. 8. Emergency clause.

An act to authorize counties to buy, construct or contract for the use of bridges, and to issue bonds and levy taxes to pay for the same, and to repeal all laws in conflict herewith.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 71 yeas, 19 nays; and passed the Senate by a two-thirds vote.]

Approved April 4, 1887.

Took effect from and after its passage.

CHAPTER CXLII.

S. B. No. 269.

Cities and Towns.

An act to amend chapter 4, title 17, of the Revised Civil Statutes of the State of Texas, by adding thereto article 410a, so as to provide for the hiring of convicts in incorporated cities and towns.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That chapter 4, title 17, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto article 410a, which shall read as follows:

Art. 410a. To compel any person who may be convicted of a violation of any of the ordinances of the city, and who may be committed to jail in default of the payment of the fine and costs adjudged against such persons, to be hired out to any individual, company, or corporation within the county in which said conviction is had (and to remain in said county), for the pur-

pose of paying off and discharging said fine and costs under such regulations as may be prescribed by ordinance; and to pass such ordinances as may be necessary to the regulation and enforcement of said contract of hiring.

Sec. 2. The near approach of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 4, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXLIII.

H. B. No. 576.

Glasscock county—created out of Tom Green county.

An act to create out of Tom Green county a new county to be known as Glasscock county, and to provide for its organization.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the following new county shall be and is hereby created out of the eastern portion of Tom Green county, and the name and boundary thereof shall be as follows:

The County of Glasscock: Beginning at the northeast corner of Midland county; thence east with the line of Tom Green county thirty (30) miles; thence south thirty (30) miles; thence west thirty (30) miles; thence north along the east boundary line of Midland county to the place of beginning.

Sec. 2. The county of Glasscock is named in honor of George W. Glasscock, who participated in the struggle for Texas independence, and was at the storming and capture of the Alamo on the tenth of December, 1835, and was in the Grass fights and other engagements which resulted in the independence of Texas.

Sec. 3. The county of Glasscock be and is hereby attached to the county of Martin for judicial, surveying and all other purposes.

Sec. 4. The new county to be created by this act shall pay a pro rata share of the existing debt of the county of Tom Green contracted for public buildings, and there shall be set apart so much of the county tax levied and collected upon the property situated in the portion so taken from the county of Tom Green annually as shall be sufficient to speedily liquidate said debt, if any.

Sec. 5. Whereas, the fact that another regular session of the Legislature will not be held for two years, and the further fact that the present session is drawing to a close and the isolated condition of the people of the proposed new county amounts to a practical denial of justice, creating an emergency and an imperative public necessity for suspending the constitutional rule requiring bills to be read on three several days, and that this act go into effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the House, and passed the same by a vote of 74 yeas, 1 nay; and passed the Senate by a vote of 21 yeas, 1 nay.]

Approved April 4, 1887.

Took effect from and after its passage.

CHAPTER CLXIV.

S. H. B. No. 220.

Railroads—Consolidation of parallel lines.

An act to carry into effect section 5, of Article 10, of the Constitution of the State of the State of Texas, prohibiting the consolidation of parallel or competing railroads, and to prescribe a penalty for the violation thereof.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That it shall be unlawful for any railroad corporation, or any other corporation, or the lessees, purchasers, or managers of any railroad corporation, to consolidate the stocks, property, works or franchises of such corporation with, or lease or purchase the stocks, property, works or franchises of any other railroad corporation owning or having under its control or management a competing or parallel line; nor shall any officer, agent, manager, lessee or purchaser of such railroad corporation act as or become an officer, agent, manager, lessee or purchaser of any other railroad corporation in leasing or purchasing any parallel or competing line.

Sec. 2. Any officer, director, manager, superintendent, agent, purchaser or lessee of any such railroad corporation or other corporation, who shall violate or aid in violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one thousand nor more than four thousand dollars; provided, that no person

shall be liable to punishment under this act who has not, by virtue of his office, agency or position, a voice in the management of the railway company, or who has not, by virtue of his office, agency or position, some power to prevent a violation of this act.

Sec. 3. Railroad corporation, or other corporation as used in this act, is declared to mean any corporation, company, person, or association of persons, who own or control, manage or operate any line of railroad in this State.

Sec. 4. Indictments and prosecutions under the provisions of this act may be found and made in any county through or into which the line of railroad may run, and it shall be the duty of the district judges to charge the grand juries upon this law the same as in other cases.

Sec. 5. Whereas, there is no law enforcing the above provision of the Constitution, and whereas, the near approach of the close of this session of the Legislature rendering it impracticable to read this bill on three several days, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 4, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXLV.

H. B. No. 529.

Governor.

An act to authorize the Governor to order through the proper officials the institution, prosecution or defense of any civil action or suit whenever he deems such course proper for the assertion or defense of any right of the State, and to render to said officials such assistance as to him may seem necessary or expedient.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the Governor is hereby authorized to order through the proper officials the institution, prosecution or defense of any civil action or suit whenever he deems such course proper for the assertion or defense of any right of the State, and to render to said officials such assistance as to him may seem necessary or expedient.

Sec. 2. The near approach of the close of the session, and the fact that litigation affecting important inter-

ests of the State is pending, impending and necessary, and that there is no law now in force sufficiently regulating this subject, create an imperative public necessity and an emergency that the constitutional rule requiring a bill to be read on three several days be suspended, that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the House and passed the same by a vote of 86 yeas; and passed the Senate by a vote of 23 yeas, 5 nays.]

Approved April 4, 1887.

Took effect from and after its passage.

CHAPTER CXLVI.

H. B. No. 448.

General appropriation for current expenses of State government.

An act making an appropriation for the support of the State government for the years beginning March 1, 1887, and ending February 28, 1889, and for other purposes.

Sec. 1. Enacting clause.

Sec. 2. Emergency clause.

Took effect from and after its passage.

CHAPTER CXLVII.

S. H. B. No. 445.

Deaf and Dumb and Blind Asylum for colored youth.

An act to establish an asylum for the deaf and dumb and the blind of the youth of the people of color of the State of Texas and to provide for its government and maintenance, and making an appropriation therefor.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That there shall be established an asylum for the deaf and dumb and the blind of the youth of the people of color in this State. It shall be the duty of the Governor of this State immediately after the passage of this act to appoint three commissioners to select a suitable site for said asylum; said site to be at or near the city of Austin, and shall not be less in extent than four acres of ground.

Sec. 2. Said board, after the selection of said site, shall be authorized to purchase the same, and to draw their draft on the Treasurer of the State, to be approved by the Governor, for the payment of the same; and shall have plans and specifications for said

buildings prepared, and said board shall advertise for bids for the building and completion of the same. Necessary additions, improvements and repairs may be subsequently made under the authority herein contained for original construction. The selection of said site, the acceptance of all bids for construction, all plans, alterations and payments or expenditures shall be subject to the approval of the Governor.

Sec. 3. The board of trustees of this asylum shall appoint, as soon as required, a superintendent of said asylum, whose salary shall be fifteen hundred dollars per year. Said superintendent shall be a man of mature years and experience and familiar with the duties of the position to which he may be elected. He shall be under the control of and subject to removal by said board, and unless sooner removed by said board for cause, shall hold his office for a term of two years.

Sec. 4. The board of trustees shall make all necessary rules and regulations for the government of said asylum, said rules and regulations to comport as nearly as may be practicable with the rules and regulations of the asylums for like purposes in this State. Said board of trustees shall prescribe the duties of all subordinate officers assistants in said asylum; shall appoint and may remove all such officers or assistants, determine their duties and their compensation; but said rules, appointments and compensation shall not be in force until approved by the Governor. The admission of applicants to said asylum, their treatment, instruction and continuance therein, all questions relating to their dismissal or removal, or voluntary departure from said asylum, or employment therein or thereabouts, shall be governed by the rules and regulations of the State asylums for white youths for the deaf and dumb and blind.

Sec. 5. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of the general revenue not otherwise appropriated, for the establishment of said asylum for the colored youth of Texas who are deaf and dumb or blind, in the State.

Sec. 6. The near approach of the end of the present session rendering it improbable that this bill can pass in the regular order of business, creates an emergency and an imperative

public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the House and passed the same by a vote of 76 yeas, 9 nays; and passed the Senate by a vote of 23 yeas, 5 nays.]

Approved April 5, 1887.

Took effect from and after its passage.

CHAPTER CXLVIII.

H. B. No 441.

Costs paid by the State.

An act to amend Article 1054, chapter 2, title 15, of the Code of Criminal Procedure.

Be it enacted by the Legislature of the State of Texas:

Sec. 1 That Article 1054, chapter 2, title 15, of the Code of Criminal Procedure be so amended as to hereafter read as follows:

Art. 1054. To the sheriff or constable shall be allowed the following fees in all cases where the charge is a felony, whether the defendant be convicted or acquitted, or the case be disposed of by nolle prosequi, or upon judgment of dismissal.

1. For executing each warrant of arrest or capias, or for making arrest without warrant, the sum of one dollar.

2. For summoning or attaching each witness, fifty cents.

3. For summoning jury, two dollars.

4. For executing death warrant, fifty dollars.

5. For removing a prisoner, for each mile going and coming, including guards and all other expenses, when traveling by railroad, fifteen cents; when traveling otherwise than by railroad, twenty-five cents; provided, that when an officer goes beyond the limits of the State after a fugitive, on requisition from the Governor, he shall be allowed the same fees and mileage as for like services in this State. For each mile he may be compelled to travel in executing criminal process, summoning or attaching witnesses, five cents; for traveling in the service of process not otherwise provided for the sum of five cents for each mile going and returning; if two or more persons are mentioned in the writ, he shall charge for the distance actually

and necessarily traveled in the service of the same.

6. For conveying a witness attached by him to any court or grand jury out of his county, his actual necessary expenses by the nearest practicable public conveyances, the amount to be stated by him under oath, and approved by the judge of the court from which the attachment issued, such account to become due when so approved, and the sheriff's or constable's return shall, in every instance, show the time and place of service.

7. For attending a prisoner on *habeas corpus*, where such prisoner is charged with a felony, for each day, two dollars, together with mileage as above, when removing such prisoner out of the county under proper authority, and all fees accruing under the provisions of this article to the sheriff or constable in cases where the charge is a felony, shall become due at the close of each term of the district court.

Sec. 2. The near approach of the close of the session of the Legislature, and the impossibility to have this act read on three several days in each house, creates an imperative public necessity, and an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this bill be placed upon its immediate passage, and said rule is so suspended.

Approved April 7, 1887.

Takes effect ninety days after adjournment.

CHAPTER CXLIX.

H. B. No. 119.

Taxation—Boards of equalization in cities and towns.

An act creating boards of equalization for cities and towns, and defining their duties

Be it enacted by the Legislature of the State of Texas:

Sec. 1. That the city councils of the several cities and towns of this State incorporated under the general laws shall annually, at their first meeting, or as soon thereafter as practicable, appoint three commissioners, each being a qualified voter, a resident and property owner of the city or town for which he is appointed, who shall be styled the board of equalization, and at the same meeting said council shall by ordinance fix the time for the meeting of such board of equalization.

Sec. 2. The board of equalization shall convene annually, at the time

fixed by the city council, to receive all the assessment lists or books of the assessor of their city, for examination, correction, equalization, appraisement and approval, and at all meetings of said board the city secretary shall act as secretary thereof.

Sec. 3. The board of equalization shall cause the assessor to bring before them, at the time fixed for the convening of said board, all the assessment lists or books of the assessor of their city, for their examination, that they may see if each and every person has rendered his property at a fair market value; and said board shall have power to send for persons and papers, to swear and qualify persons who testify, to ascertain the value of such property; and if they are satisfied it is too high, they shall lower it to its proper value; and, if too low, they shall raise the value of such property to a proper figure. Said board shall also have power to correct any errors that may appear on the assessor's lists or books.

Sec. 4. The board of equalization shall equalize as near as possible the value of all the improved lots within the corporate limits of their city, having reference to the size and location of said lots and the improvements thereon, and shall equalize the value of unimproved lots as near as possible, having reference to the size and location thereof, and all other property of the same kind shall be made as nearly equal as possible. Any person may file with said board, at any time before the final action of said board, a complaint as to the assessment of his or any other person's property, and said board shall hear said complaint, and said complainant shall have the right to have witnesses summoned in sustaining said complaint as to the insurance on said property, or the rents and profits it may bring the holder thereof.

Sec. 5. The city assessor, at the same time that he delivers to said board his lists and books, as provided in section three of this act, shall also furnish to said board a certified list of the names of all persons who either refuse to swear or qualify or to sign the oath or affirmation as required by law, together with a list of the property of such persons situated within the corporate limits of their city, as made by him through other information, and said board shall examine said lists and appraise the property so listed by the assessor.

Sec. 6. In all cases where the board of equalization shall find it their duty to raise the value of any property appearing on the lists or books of the assessor, they shall, after having fully examined such lists or books and corrected all errors appearing therein, adjourn to a day not less than ten nor more than fifteen days from the date of adjournment, such day to be fixed in the order of adjournment, and shall cause the secretary of said board to give written notice to the owner of such property, or to the person rendering the same, of the time to which said board may have adjourned, and that such owner or person rendering the said property may at that time appear and show cause why the value of said property should not be raised, which notice may be served by depositing the same, properly addressed and postage paid, in the city post office.

Sec. 7. The board of equalization shall meet at the time specified in said order of adjournment, and shall hear all persons the value of whose property has been raised, and if said board is satisfied they have raised the value of such property too high, they shall lower the same to its proper value.

Sec. 8. The board of equalization, after they have finally examined and equalized the value of all the property on the assessor's lists or books, shall approve said lists or books and return them, together with the lists mentioned in section 5 of this act, that he may make up therefrom his general rolls as required by law; and when said said general rolls are so made up, the board shall meet again to examine said rolls and approve the same if found correct.

Sec. 9. The action of said board at the meeting provided for in section seven of this act shall be final, and shall not be subject to revision by said board or by any other tribunal thereafter.

Sec. 10. The members of the board of equalization and the city secretary while acting as secretary of said board, shall receive such compensation for their services, to be allowed by the city council, as said council may deem just and reasonable.

Sec. 11. Before said board shall enter upon their duties they shall be sworn, by any officer authorized by law to administer oaths, to faithfully and impartially discharge all duties incumbent upon them by law as such board.

Sec. 12. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 13. An imperative public necessity and emergency exist that this act pass and take effect at once; it is therefore enacted that the rule requiring this act to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

[NOTE.—The foregoing act was presented to the Governor for his approval on the fourth day of April, A. D. 1887, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. M. MOORE, Secretary of State.]

Takes effect ninety days after adjournment.

RESOLUTIONS.

H. J. R. No. 2.

Joint resolution to amend section 20 of Article 16 of the State Constitution.

Be it resolved by the Legislature of the State of Texas:

Sec. 1. That section 20 of Article 16 of the Constitution be so amended as to read as follows, to-wit:

Sec. 20. The manufacture, sale and exchange of intoxicating liquors, except for medical, mechanical, sacramental and scientific purposes, is hereby prohibited in the State of Texas. The Legislature shall, at the first session held after the adoption of the amendment, enact necessary laws to put this provision into effect.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of the State of Texas at an election to be held for that purpose on the first Tuesday in August, 1887, at which election all voters favoring said proposed amendment shall have written or printed on their ballots, "For State Prohibition," and those voting against said amendment shall have written or printed on their ballots, "Against State Prohibition." The Governor of the State is hereby directed to issue the necessary publication for said election under the existing election laws of the State.

Approved March 4, 1887.

S. H. J. R. No. 1.

Joint resolution to amend section 24, Article 3, of the Constitution of the State of Texas.

Be it resolved by the Legislature of the State of Texas:

Sec. 1. That section 24, of Article 3, of the Constitution of the State of Texas, be so amended as to hereafter read as follows:

Sec. 24. The members of the Legislature shall receive from the public treasury such compensation for their services as may be provided by law, not exceeding five dollars per day for the first ninety days of each session, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem the members of each house shall be entitled to a mileage in going to and returning from the seat of the government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes, and the Comptroller of the State shall prepare and preserve a table of distances to each county seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

Sec. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the first Thursday in August, A. D. 1887, on this amendment, in accordance with Article 17, section 1, of the Constitution, and those voting for the adoption of this amendment shall have written or printed on their ballots, "For the amendment to section 24, Article 3, of the Constitution," and those voting against the adoption of said amendment shall have written or printed on their ballots the words, "Against the amendment to Section 24, Article 3, of the Constitution."

Approved March 8, 1887.

S. J. R. No. 4.

Joint resolution requesting the Attorney General to at once institute suit in the district court of Travis county, Texas, against all railroad companies or any chartered company or association of individuals, for the forfeiture and recovery of all lands and grants made and patented to them by the State, and who have obtained aid

from this State in the donation of lands under their respective charters, or under a general or special law of this State, who have failed to comply with the law or the requirements in their respective charters to alienate such lands, or have made such alienation in fraud of the rights of the State.

Be it resolved by the Legislature of the State of Texas:

Sec. 1. That the Attorney General of this State is hereby requested to at once institute suit in the district court of Travis county, Texas, against all railroad companies or any other chartered company or association of individuals, for the forfeiture and recovery for the State of all lands and grants made and patented to them by the State, and who have obtained aid from the State in the donation of lands under their respective charters, or under a general or special law of this State, who have failed to comply with the law or the requirements in their respective charters to alienate such lands, or have made such alienation in fraud of the rights of the State.

Approved March 17, 1887.

H. J. R. No. 18.

Joint resolution to amend section 11, of Article 7, of the Constitution of the State of Texas.

Be it resolved by the Legislature of the State of Texas:

Sec. 1. That section 11, of Article 7 of the Constitution of the State of Texas, be so amended as to read as follows, to-wit:

Sec. 11. It is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of the University of Texas, together with all the principal of the proceeds of sales of the same heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent University fund. And the same as realized and received into the treasury of the State (together with such sum belonging to the fund as may now be in the treasury), shall be invested in bonds of the United States, the State of Texas, the counties in said State, or in such other securities and under such restrictions as may be prescribed by law, and the State shall be responsible for all investments. And all the interest accruing thereon shall be subject to appropriation by the Leg-

islature to accomplish the purpose declared in the foregoing section. Provided, that the one-tenth of the alternate sections of the lands granted to railroads reserved by the State, which were set apart and appropriated to the establishment of the University of Texas by an act of the Legislature of February 11, 1858, entitled "An act to establish the University of Texas," shall not be included in or constitute a part of the permanent University fund.

Sec. 2. The foregoing amendment shall be submitted to a vote of the qualified electors of the State of Texas at an election to be held for that purpose on the first Thursday in August, 1887; at which election the voters favoring this amendment shall have written or printed on their ballots the words "For the amendment to Article 7," and those opposed, the words "Against the amendment to Article 7." The Governor of the State is hereby directed to issue the necessary proclamation for said election under the laws of the State.

Approved April 2, 1887.

S. S. J. R. No. 3.

Joint Resolution proposing the submission of an amendment to section 12, Article 8, of the Constitution of the State of Texas.

Be it resolved by the Legislature of the State of Texas:

Sec. 1. That section 12, Article 8, of the Constitution of the State of Texas, be so amended as hereafter to read as follows:

ARTICLE EIGHT.

Sec. 12. The Legislature shall provide for the assessment and collection of State and county taxes upon all property subject to taxation situated in unorganized counties; provided, that such unorganized counties shall not be taxed to pay for public improvements in the organized county to which they are attached for judicial purposes.

Be it further resolved:

Sec. 2. That the above and foregoing amendment to the Constitution of the State of Texas be submitted for adoption at an election ordered for that purpose, to be held on the first Thursday in August, A. D. 1887, and the Governor of Texas is hereby authorized to issue his proclamation therefor according to law.

Approved March 29, 1887.

S. J. R. No. 17.

Joint Resolution to amend section 4, Article 6, of the Constitution of the State of Texas.

Be it resolved by the Legislature of the State of Texas:

Sec. 1. That section 4, of Article 6, of the Constitution of the State of Texas, be so amended as to hereafter read as follows.

Sec. 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more, and in such counties as the Legislature may deem advisable.

Sec. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the first Thursday in August, A. D. 1887, on this amendment, in accordance with Article 17, section 1, of the constitution; and those voting for the adoption of this amendment shall have written or printed on their ballots the words, "For the amendment to section 4, Article 6, of the Constitution," and those voting against the adoption of said amendment shall have written or printed on their ballots the words, "Against the amendment to section 4, Article 6, of the Constitution."

Approved April 4, 1887.

S. J. R. No. 26.

Joint resolution to amend Article 5 of the Constitution of the State of Texas.

Be it resolved by the Legislature of the State of Texas:

That Article 5 of the Constitution of the State of Texas shall be so amended as to hereafter read as follows:

ARTICLE FIVE.

Sec. 1. The judicial power of this State shall be vested in one supreme court, one court of appeals, in district courts and in such inferior courts as may from time to time be created by general or special law.

Sec. 2. The supreme court shall consist of such number of justices, not less than five nor more than seven, as may from time to time be determined by the Legislature. Such justices shall be elected by the qualified

voters of the State at a general election, and shall hold their offices for the term of six years.

Sec. 3. The chief justice and the associate justices of the supreme court who may be in office when this amendment goes into effect, together with a sufficient number to make the number five, shall constitute the supreme court until such number shall be increased by law. Upon the adoption of this amendment the Governor shall appoint a sufficient number of justices of the supreme court, in addition to those who may be in office at the time, to make the number of five, who shall hold their offices until the next general election. The justices of the supreme court who may be in office when this amendment is adopted shall continue to serve until their terms of office expire by the Constitution and laws under which they were elected.

Sec. 4. The justices of the supreme court shall select from their own number a presiding officer, who shall be called the chief justice, and who shall hold for such term and perform such duties as may be prescribed by the court; provided, the chief justice who may be in office at the time when this amendment shall take effect shall be the chief justice of the supreme court hereby established until the expiration of his term of office under his former election or appointment.

Sec. 5. Each justice of the supreme court shall be a qualified voter, shall have arrived at the age of thirty years, and shall have been a practicing lawyer in this State, or a judge of a district court therein, or such judge and lawyer together, at least seven years at the time of his election or appointment.

Sec. 6. Each justice of the supreme court shall receive an annual salary of of not more than three thousand six hundred dollars.

Sec. 7. The supreme court shall have power, upon affidavit or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

Sec. 8. The supreme court shall have power to make rules of procedure for its own government and the government of the other courts of the State over which it may have appellate jurisdiction; provided, such rules shall not be inconsistent with the laws of the State.

Sec. 9. The supreme court shall appoint a clerk for each place at which

it may sit, who shall hold his office for four years, subject to removal by the court, and who shall give such bond as is or may be prescribed by law.

Sec. 10. The supreme court shall sit for the transaction of business from the first Monday in September to the last Saturday in June of every year, provided the business before it is not sooner disposed of, at the seat of government and at not more than two other places in the State.

Sec. 11. The supreme court may organize, for the more speedy dispatch of business, into such divisions as may be deemed expedient, and under such rules and regulations as may be prescribed by the court.

Sec. 12. The Supreme Court shall have appellate jurisdiction of civil cases, proceedings and controversies both as to law and fact, with such exceptions and under such regulations as may be provided by law.

Sec. 13. The Supreme Court and the justices thereof shall have power to issue all writs known to the law which may be necessary to the exercise of its jurisdiction, or to enforce the same; said court shall also have power by mandamus or otherwise to compel the district and inferior courts to proceed with the trial of cases pending in said courts of which it would have cognizance on appeal.

Sec. 14. The Legislature may confer upon the Supreme Court exclusive original jurisdiction to issue writs of mandamus and injunction against the heads of State departments, except as against the Governor.

COURT OF APPEALS.

Sec. 15. The Court of Appeals shall consist of three judges, who shall each be elected by the qualified voters of the State at a general election, and who shall hold their offices for the term of six years. The judges of the Court of Appeals, or so many of them as there may be, who shall be in office at the time this amendment shall take effect, shall be judges of said court as hereby established, and shall hold their said offices until the expiration of their respective terms under their former election or appointments. And should there be, at the adoption of this amendment, less than three judges of said Court of Appeals, the Governor shall appoint the requisite number of additional judges to constitute a court of three members, and the judges so appointed shall hold their office until the next general election.

Sec. 16. The several judges of the

Court of Appeals shall possess the same qualifications and receive the same salary as justices of the Supreme Court. The judges shall select from their own number a presiding judge, who shall perform such duties and hold for such term as the court may prescribe. A majority of the court shall constitute a quorum, and the concurrence of two of the judges shall be necessary to a decision. The court shall sit at the times and places as are prescribed for the Supreme Court. The court and the judges thereof shall have power to issue the writ of habeas corpus and all writs known to the law which may be necessary to the exercise of its jurisdiction or to enforce the same. They shall also have power by mandamus or otherwise to compel the district and inferior courts to proceed with the trial of cases pending in said courts of which the Court of Appeals would have cognizance on appeal. The court shall also have power to ascertain such facts as may be necessary in the exercise of its jurisdiction.

Sec. 17. The Court of Appeals shall have appellate jurisdiction of criminal cases, with such exceptions and under such regulations as may be prescribed by law.

Sec. 18. The Court of Appeals shall appoint a clerk for each place at which it may sit, who shall hold his office for four years, subject to removal by the court, and who shall give such bond as is or may be prescribed by law.

DISTRICT COURT.

Sec. 19. The State shall be divided into a convenient number of judicial districts, consisting of one or more counties. Regular terms of the court shall be held by the district judges at the county seat of each county in the district at least twice in each year, in such manner as may be prescribed by general or local law.

Sec. 20. There shall be a district judge for each judicial district, who shall be elected by the qualified voters of the district at a general election. He shall hold his office for the term of four years from the date of his election. The district judges who may be in office when this amendment takes effect shall hold their offices until the expiration of their several terms under the present Constitution and laws.

Sec. 21. Each district judge shall be a qualified voter and resident of the district, shall have arrived at the age of twenty-eight years, and shall have been a practicing lawyer in this State

at least six years, and shall reside in his district during his term of office.

Sec. 22. The judges of the district courts shall receive an annual salary of twenty-five hundred dollars, which shall be paid as prescribed by law.

Sec. 23. The district courts shall be courts of general jurisdiction. They shall have original jurisdiction, both civil and criminal, of all cases and special proceedings of which exclusive jurisdiction is not conferred on some other court, and in civil cases such jurisdiction shall be exercised without regard to any distinction between law and equity. Contested elections and other special cases, where the right to resort to the courts arises only out of legislative action, may be referred by the Legislature to the district court, or other tribunal, with or without the right of appeal to the Supreme Court, as may be prescribed by law.

Sec. 24. The district court shall have such appellate jurisdiction and such control over the inferior courts and tribunals in the county as may be prescribed by law.

Sec. 25. The district courts, and the judges thereof, shall have power to issue the writ of habeas corpus, and to render judgment therein, either in vacation or in term time. They shall also have power to issue writs of mandamus, injunction, certiorari, and all writs known to the law which may be necessary to the exercise of their jurisdiction, or to enforce the same.

Sec. 26. Any district judge shall have power to hold a special term of the district court in any county of his district, under such circumstances and in such manner as may be directed by general or special law.

Sec. 27. There shall be a clerk of the district court of each county, who shall be elected by the qualified voters of the county, and who shall hold his office for two years, whose duties and compensation shall be prescribed by law.

Sec. 28. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for two years, whose duties, perquisites and fees of office shall be prescribed by law.

Sec. 29. The Legislature shall provide for the election of district and county attorneys, and such other officers as may be deemed necessary to the due administration of justice, define their duties, and fix their compensation. The district attorneys and county attorneys who shall be in office

at the time this amendment shall take effect, shall hold their offices until the expiration of their several terms under the present Constitution and laws.

Sec. 30. The judicial districts in this State and the time of holding courts therein shall remain as at present until otherwise provided by law.

Sec. 31. The criminal district court of Galveston and Harris counties shall continue with the jurisdiction, organization, and district now existing until otherwise provided by law, and the Legislature may establish such other courts, embracing one or more counties, with such criminal jurisdiction as may be provided by law. The qualifications, salaries and tenure of office of the judges of said courts shall be the same as for judges of the district court.

Sec. 32. Grand and petit juries in the district court shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills; and the Legislature may pass laws authorizing less than the whole number of a petit jury to render a verdict in civil and misdemeanor cases.

Sec. 33. All vacancies in the office of justice of the Supreme Court or Court of Appeals, or of judges of the district courts, shall be filled by the Governor by appointment for the unexpired term.

Sec. 34. The Legislature shall from time to time, by general or local law, establish county courts and such other inferior courts, and provide for their officers, with such jurisdiction and qualifications and powers as may be deemed expedient; provided, the judges and presiding officers of such courts shall be elected, and until such courts are provided the district and other inferior courts now in existence, together with their officers, shall continue and shall exercise the powers and jurisdiction now conferred on them; and appeals shall lie as at present, except that civil cases heretofore appealable to the Court of Appeals shall, until otherwise provided by law, be appealable to the Supreme Court, under the rules and regulations now prescribed for appeals to that court; provided, the Court of Appeals shall determine all civil cases pending before it at the time this amendment shall be declared a part of the Constitution.

Sec. 35. No justice or judge shall sit in any case wherein he may be interested in the question to be decided, or

where either of the parties may be connected with him by affinity or consanguinity within such degree as may be prescribed by law, or where he shall have been counsel in the case. When a justice of the Supreme Court, or of the Court of Appeals, shall be disqualified to hear and determine any case or cases in said court, the same shall be certified by such court to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of such case or cases. When the judge of a district court is disqualified the parties may, by consent, appoint a proper person to try the case, or, upon their failure to do so, a competent person may be appointed by the Governor to try the case, in the county where it is pending, in such manner as may be prescribed by law. The district judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law.

Sec. 36. District clerks, sheriffs, prosecuting attorneys and other officers, provision for whose removal from office is not otherwise specially provided for, may be removed from office by the judges of the district courts, for incompetency, official misconduct, habitual drunkenness, or drunkenness which does not amount to habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury. Vacancies in all offices shall be filled as may be prescribed in this Constitution, or, in the absence of constitutional provisions, then in such manner as may be prescribed by law; and, until otherwise provided, vacancies in office shall be filled in the manner now prescribed.

Sec. 37. The Legislature shall not create any court inferior to the district court with jurisdiction of suits in behalf of the State to recover penalties, forfeitures and escheats; of suits to recover damages for slander or defamation of character; of suits for divorce; or of suits for trial of title to land, or for the enforcement of liens thereon, except liens acquired by levy of process issued out of such court, or of civil cases wherein the amount in controversy exceeds one thousand dollars.

[Sec. 2.] Sec. 38. And be it further resolved, That the Governor be requested to submit to the vote of the State the foregoing proposed amend-

ment to the Constitution at an election to be ordered on the first Tuesday in August, A. D. 1887, in accordance with the provisions of Article 17 of the State Constitution; and at said election those desiring to vote for said amendment shall have written or printed upon their tickets the words,

"For amendment of Article 5, relating to the judiciary." and those desiring to vote against said amendment shall have written or printed upon their tickets the words, "Against amendment of Article 5, relating to the judiciary."

Approved April 4, 1887.

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